MISCELLANEOUS

REMARKS

ON THE

INTERNAL POLICE

AND THE

ADMINISTRATION OF JUSTICE

IN THE

BENGAL PROVINCES.

MISCELLANEOUS

REMARKS

ON THE

INTERNAL POLICE

AND THE

ADMINISTRATION OF JUSTICE

IN THE

BENGAL PROVINCES;

WITH

OTHER OBSERVATIONS,

CRITICAL AND PHILOSOPHICAL.

WRITTEN IN INDIA,

By a GENTLEMAN *in the Hon. Company's Service.*

" Justice is one of the four Cardinal Virtues, which gives " to every person his due," founded upon a natural instinctive knowledge of what is [illegible]ight, and the rejection of what is wrong in all wor[illegible]

[illegible]*DON:*

PRINTED [illegible]SHED BY M. ALLEN,

[illegible] [illegible]RNOSTER-ROW.

[En[illegible] Stationers-Hall.]

[illegible]06.

CONTENTS.

	Page
The Address	5
Public Loans, &c.—Conduct of a hired Magistracy	9
The chief cause of defect in the provincial Adawlets	22
Remarks on the conduct of Zemindars and Police Officers	32
Divisions of Provinces into smaller portions, Zirids, Purgunahs, or Zillas—Provincial Police established	38
The venal connection subsisting between the interior Police and the Native Officers of Provincial Courts	45
Relative duties of the Army to the Civil Power established	50
The undefin[illegible] [illegible]rs of Provincial Magistrates—[illegible] [illegible]vers of Derogahs, of Pol[illegible] [illegible]n	54
Antiquity of [illegible] [illegible]shment not exactly known—i[illegible] [illegible]n, purely military	61
Established [illegible] [illegible] of Magistrates [illegible]mense, y[illegible] [illegible]ered insufficient—the disparity of [illegible] [illegible] examined	64

Field

CONTENTS.

Field double batta struck off—the Military deprived of their jurisdiction over Sutlers, Camp-followers, and Bazars............. 69
A tendency in our Nature to extend the arm of Power, requires a constant repulsive Force on legal grounds.................. 75
Notions formed and disseminated among the People inimical to Justice 77
These remarks generally apply to existing facts and amelioration in moral duties and established laws 86
The hardships which fall upon the plundered 89
Further remarks on the good derived from the effect and design of regulation in system 94
Introduction of the Decenial Settlement, &c. 99
On the chimera of Non-coercion..........102
The fatal consequences of a nugatory principle in the administration of law.........108
Design of these remarks— [illegible] of servitude, &c. 113
It is an implied [illegible] British subject to commu[illegible] ns upon what exists—By a due [illegible] to military laws of subordin[illegible] do not relinquish civil rights .. [illegible] 118
Secret Correspondence .. [illegible] 123

CONTENTS.

Arbitrary conduct over the Press, &c. 127
A fundamental maxim of British law 131
Regulations proposed 134
The subordinate Regulations 139
Causes adduced for a due respect or dislike of laws in practice 149
On the rule of Precedents 155
Non-coercion the cause of venality and lax duty 159
Benef[illegible]s to accrue from a digest with penalties annexed 164
The distinguishing characteristics of Asiatics 166
Exemplifications of decrees given lately, to shew that amendment begins to appear in glimmering lights—Reflections 169
Of Petty Courts 177
Rule of Civil Conduct 179
Liberty is held by Justice...............181
Hunger is a powerful Stimulant 185
Further instan[illegible] t[illegible] [illegible]new th[illegible] perverse dispositions of [illegible] 191
A partiality of a [illegible] noticed, which has s[illegible] length of time ....[illegible] 195
Internal Con[illegible] 207

A

CONTENTS.

A Conjecture........................210
The principles a lawyer should possess, as recommended by Blackstone.......... 213
Law is a rule of moral action, in which the motive is the spring.................. 215
Moral Rectitude 233
Further Comments on the legal authorities in Colonies 234
Expedient 238
The Metropolis and great Emporium, Calcutta 244

ERRATA.

Page	Line	
8	19	for *becomes tagnated*, read *become stagnated*.
47	18	— I conceive *is*, read I conceive *it*.
72	24	— *information*, read *innovation*.
91	25	— into *the* thick foreſt, read into *a* thick foreſt.
96	25	— *his* wants, read *their* wants.
100	18	— *trust*, read *treat*.
123	13	after *every*, insert *thing*.
139	7	for *conversation*, read *observation*.
156	19	dele the w[illegible]d *their*.
206	17	fo[illegible] *begars*, [illegible]ad *bezar*[illegible]
208	21	— *possessi*[illegible]ad *pro*[illegible]
209	[illegible]	del[illegible]
—	8	t[illegible] *red*.
215	17	— [illegible] a breach of law.

[illegible]SCELLANEOUS

MISCELLANEOUS REMARKS, &c.

THE ADDRESS.

At a time when the eyes of the political world are turned with anxiety towards the treasures of British India—at a crisis when the discerning faculty of penetrative talents, look toward the rising sun for a final or immediate extrication from the direful evils, and awful difficulties, into which a subtle, but trite Corsican demagogue, hath involved the European quarter of the universe, any thing which can be said, any information which can be rendered, to afford instructive communication to the present or rising statesmen, to derive amendment, or merely to gratify a general w[...] respe[c]table men, bred in the liberal pro[...] kn[...] how their brother Britons and coun[...]d fare, and manage their c[on]cerns, [...]ight, out of hearing; and I [h]ad alm[o]st said, cut off from their original c[onn]ectio[n] by time, space, and otherwise a va[...]uses; it may be thought deserving of not[...] c[u]riosity, or that

desire

desire of universal information so generally possessed by Britons. Would to God! it might, flimsy as it is, deserve commendation of those endowed with talents so very superior. Would to God! those respectable characters may incline, in the natural liberality of their hearts and sentiments, generously to make every allowance, to pass over trifles; which, whether these shall appear ordinary mistakes, oversights, or more improvident errors; I humbly trust, they will be found but thinly scattered.

We must allow indigence to be a sharp and natural spur to industry, even in a quarter the least to be expected; if not carried to that extreme of grating excess, to bring upon us distress and painful suffrance. It will be also granted, that among our countrymen especially, no one would voluntarily and cheerfully starve in a cook's shop ... or ot... se, than from a severe pres... us necessity. But when thus neces... tuated amidst a variety of high savoured, tanta... ing dis... s, we with a keen desire natural to man... kind, b... d up and accustomed to the improve... ... worldly culture, consonant to, and prod... , a long period of civilization ... y-full of substantia... ... als

materials, to a simple smell, and even to that kind of scanty taste, which only serves to sharpen the edge of a good appetite.

My opponents to this will object; the bane of all excess; the fatal consequences of gluttony; the morbid complaints occasioned by the constant use of high seasoned food; and moreover, the indecorous spirit evinced, in daring to notice those things around us, even, while they give us pain. To all of which objections I only answer, that I am a Briton! and wish to continue such, while similar privileges, similar inducements, and similar treatment, in lawful reason, and in common with my much beloved countrymen, shall deign to attend me; and that with a humble share even, I will remain attached!

Useful information proceeding from common observation taken on the plac[illegible] of a[illegible]tion, it is hoped, will meet the [illegible] [illegible]d [illegible] honorable approbation of our muc[illegible] [illegible] rulers; for whom I pray that health [illegible], with every prosperity the sovereign [illegible]gents of an extensive but distant terr[illegible]ry, ca[illegible] expect, or we confer; and permanen[illegible] [illegible]ssession being in their wisdom, no dou[illegible] [illegible] if not the primary object,

object, I presume in humble tone to say, that timely and well-pointed remarks, may render that sort of service which when liberally and impassionately considered, can hardly fail of meeting distinguished approval; the danger attending which, however, must no doubt restrain and deter others, more capable of affording similar information in a scientific dress. Independent of truthful information from different quarters, and from all sides of the question, a sovereign power hath been often known to languish in the shade of darkness, and maze of error, for years; and thus deprived partially of pure streams, which the universal cause commands shall supply the ocean with a regular partition of worldly humanity for the body politic, and the support of animal life, can hardly be conferred; and those fluids which give active motion to the whole might, if thus obstructed, becomes tagnated.

I am by n[illegible] m[illegible] convinced that the absolute system est[illegible] [illegible]ndia over British subjects is the very [illegible] [illegible]uld be devised; and a deliberate and most ma[illegible]re consideration of these points is humbly and r[illegible]spectf[illegible]y recommended. With that view, it is [illegible]de[illegible] [illegible]n; and in the desire to do good, I ho[illegible] [illegible]ral indulgence.

[illegible]TION

SECTION I.

PUBLIC LOANS, &c.—CONDUCT OF A HIRED MAGISTRACY.

In regard to the policy and true merits of the system established in British India, of taking immense sums of cash on loan at eight and ten per centum, on Government security, I pretend not to judge with that precision and confidence to urge a free opinion. I shall however make respectful mention of what has often occurred to my mind on that subject, but never promulgated nor spoken of till now.

To communicate this idea in the form of a speculative opinion is the only thing to be done in these cases, and to do [illegible], this requires a data; any data indeed, sim[illegible] ate[illegible] will answer the intended purpose.

A Million, for in[illegible]ance, taken up on loan at ten per cen[illegible] per a[illegible]num, will have to pay the yearly int[illegible] of [illegible]e hundred thousand pounds, exclusive o[illegible] [illegible]s and some broken sums of

of interest accumulating. The sum of interest thus paid, will in ten years amount to a sum equal to the principle, if the whole or any part be not paid off in the course of that interim. Thus the Fund at the end of ten years becomes one Million sterling poorer than upon its first commencement, or in other words, it doubles the principal sum of debt, which if suffered gradually to increase, will run out the surplus revenue and the profits of trade.

To establish a system apparently in itself so destructive, must have been induced by some strong object: reasons the most copious and convincing must exist to produce this desire. In times of pressing necessity such a measure might require, or be supposed to require, a resource of this nature. But I presume to say that in India for many years past that no solid plea of truthful grounds can be justl[illegible] stated, and for your false statements muc[illegible] wo[illegible] not be given; these can only be usefu[illegible] weak, the ignorant, and the passivel[illegible] men, who are too indolent to lend an effort t[illegible] do a real service for their country, and too atten[illegible]ive to enrich themselves, ever to give an unbi[illegible]ssed [illegible]nion.

The

The trifles paid off are inadequate to the liquidation of a hundredth part of the sums taken up on loan, and treasury bills issued at interest of nearly 7 per cent. payable on demand are circulated in Calcutta exclusive of loans; and the most prominent features of the plea and inducement which urged this destructive scheme to be adopted, might have been, to bind the monied men with the interests of the Government, without risque or trouble; and by that means to keep a strong deposit of specie in embryo, and at command; dormant and inactive, to sap the foundation of their wealth, and ultimately, to perpetrate the heinous crime of suicide. The very treasury bills issued and confined to Calcutta, is a grinding machine sufficient of itself, to wear away the whole surplus revenue in about twenty years; and if our temporary legislators look no farther into the probable effect of any measure, th[illegible] to the length of their own spans, that su[illegible] time will be buried in brick-dust,[illegible]r expeditions.

If five or six, or [illegible]ne, or two millions of cash, *over* and [illegible]*ve* the *surplus* revenue, could be vested in [illegible]e plan would be admirable, as being ad[illegible]he profits of which would

would shortly liquidate those sums borrowed, and leave the capital staunch behind. This I am however inclined to doubt, for no increase of their ships taken up, added to all the others they employ, can be able to carry home investments to any amount like the surplus revenue at present drawn from India. How then can they vest it in trade?* how employ this surplus cash, is the important question? after all establishments and annual investments are paid off?

But to recur to the system of Funds raised upon interest, the beneficial operation may only be divided into two sorts, viz. on great emergency in real distress; and under circumstances when trade is so flourishing, that a given sum can be employed in traffic beyond the neat surplus revenues. But surely it must be considered among the men of wisdom, as a leading axiom in the management [illegible] a state, as in a prudent family, that [illegible] should be borrowed but on the very [illegible]rse of extreme necessity; and that so taken up, should be liquidated by every exertion as speedily as possible. If the Father of a family has n[illegible] better plea

* When foreign ports [illegible] [illegible]g Denmark in Europe.

than

than that of attracting the attention of his children towards him in this way; that is, by adopting a measure to terminate in his ultimate disadvantage, or probable ruin; they surely would with good reason grumble and growl, and be dissatisfied, if they could not dissuade him from an obstinate perseverance in that awfully portended destruction of his yearly, monthly, or quarterly income; upon which the whole family must be subsisted. I sincerely could wish this plain simile might be as convincing to others as it is to myself; and we shall hope to find that our Honorable Rulers acquit themselves well towards the parental state; and that, the plea on which they build this tottering fabric, will prove beyond our feeble conception, divinely great.

Yet, at a time when they can send home two millions invested, or rather neat produce of their possessions; and fu[illegible]er assist the necessitous circumstances of [illegible] with four or five millions more, can [illegible]essary to take up money at exorbitant interest,* to reduce these resources, entangle their affairs in difficulties, and drive th[illegible] to those exactions, and those

* When mone[illegible]n [illegible] home at half that expence.

sacrifices,

sacrifices, which only tend to make a thing shake and totter a while before its fall? I confess the desiderata far beyond my reach and comprehension. Persevering in such a plan, it swells far to exceed the bulk of the full amount of profits to be derived for all this trouble and pains we are at upon a false bottom, and we throw away our stamina, our true enjoyment of health, and our lives, for nothing better than to lessen the number of heads at home of those who might otherwise have to support themselves on the little island, or upon the wide domain, they firmly rule.

The armies of the Mogul Empire were in the habit of paying themselves at times when their rulers failed of their engagements. The revenues of western Hindostan are already in a state of danger, and diminution, from the want of an appropriate force. You may say no—but I say yes, and my assertion is made from actual observation on these important services, which ever give new [illegible] convincing proofs of their sanguinary desi[illegible]ssume the management of their own jurisprudence; which I do really think might be well for all parties, and a full half million saved to our honorab[illegible] executive rulers,

rulers, employed as they are in the service of their country, and for the proprietors of stock by whom they are so honorably elected. And, supposing for the sake of inference, they should employ a part of that sum so ill bestowed, though by no means intentionally so; it was a mistake, and the greatest sages are liable to error. But supposing I say, that an appropriate part were employed to strengthen your army, and your secure footing, depending entirely on it, by which alone the revenues can be collected even in part; pray would this not evince a wise conformity to natural causes and natural consequences, whilst you would confer on twelve millions of souls at least, the highest favour in your power to grant? That would produce a change very agreeable to all hands, but those Magistrates whom, with few exceptions, require the Lex Calpurnia de repetundis put in force, rather than the unconditional support they enjoy.

All revenue duties and imposts throughout British India are paid in gold and silver, the currency of the province in which the estates lie; the surplus of which to cover their expences is so great, that . ha [illegible] truck me as wonderful

derful how the loan system and paper circulation could have originated. For to me it has ever appeared an useless accumulation of absurdities, and the plausible adoption of some disordered imagination as a facile way of expending the surplus income of the Honorable Company's estate, and to ruin their future credit; who like a thoughtless heir apparent just come in possession of a fine estate, thinks it honorable to lavish away and get in debt as fast as possible, that he may not labour under the degrading stigma of a parsimonious character. To hold India on the chimerical idea of binding men's allegiance in the public funds, I would treat as light and bombastical; to gain twenty lacks unlawfully cut from the pay of the army, you expend a million sterling on a cause merely ideal, the effervescence of a modern politician's brain, the child of lunar influence, reared by fancy, and fostered by a phlegmatic disposition, in a country held by arms, and despoiled by domineering venality: where a revenue admits of more than is in re[illegible]lity required for all purposes, and where the aborigines would quietly serve them, and pay the regular stipend of every kind without demur, were they allowed to manage their own laws and con[illegible]ns: under

which

which conciliating terms they are more indifferent who shall Govern the general sway.

But a fatal ruin of thought hath impressed the minds and minute attention of powerful men of late* years, viz. that the great art of Government consists in watching opinions and underhandedly persecuting all those who dare to speak freely on political subjects; which criminal process is here practised in high glee through civil officers, European and native. Ye Gods! what are we? Britons, or Bengallies? How far shall we bend to this golden shrine of peculative soaring ambition? Away with mean depravity, and those practices that degrade the human species, bred in the dunghill of false fantastic notions, and cherished alike by an arbitrary conspiracy against their rulers, and their subordinates.

Let us suppose for a moment that the pressing exigence of public affairs at home, had obliged Ministers, without consulting the senate, to call upon the Honorable Company for these two or three years past, to the amount of eight

* For twenty years past, introduced by the M——s C——s.

or

or ten millions of cash in specie, would that authorize a plea to issue treasury bills at 6 13½ interest payable on prompt demand? surely not. Their payments could all be made in Calcutta by bank notes for that city, and these treasury bills do not extend beyond its limits.

Upon the most significant conclusions to be drawn without a full investigation of causes, and the free examination of books and conduct, according with my own conceptions of this covenous system altogether, are: First, That no real plea exists; Secondly, That it has led our Honorable Rulers into a ruinous unnecessary expence: Thirdly, That it must have consequently arisen out of the inventive fabrications of a disordered and an inconsiderate imagination, which grasp at flighty ideas, and pin them down for use, as something novel, rare, and sublime, to attract the public notice as a visionary object, like the pretended divine inspirations of heavenly delirium, such as haunt the Bedlamites in large portions, to lead them, poor creatures, from the natural use for which they were no doubt created: it can only serve as a blind to the public eye, and those of our rulers.

We

We cannot conclude this discourse better than to quote D'Lolme's observations on magistrates of the Roman republic, nominated to the judicial duties of Asiatic and distant provinces, as being truly applicable, and the very best picture to be obliquely drawn of the British Indian magistracy. His information is drawn from certain authentic authorities, and gives a deplorable view of human propensity to turn judicial powers into an instrument of dreadful oppression, which it was formed to avert. "Nor were the Roman magistrates satisfied with committing acts of injustice in their political capacity, and for the support of the power of that body of which they made a part. Avarice and private rapine were at last added to political ambition. The provinces were oppressed and plundered. The calamity, in process of time, reach Italy itself, and the centre of the republic; till at last the Lex Culpurnia de Repetundis was enacted, to put a stop to it. By this law, an action was given to the citizens and their allies, for the recovery of the money extorted from them by magistrates, or men * in power; and the Lex Junia, afterwards added the penalty of banishment to the obligation of making restitution.

* Derogahs.

But

"But here another kind of disorder arose. The judges now proved as corrupt as the magistrates had been oppressive. They equally betrayed in their own province the cause of the republic with which they had been intrusted, and chose rather to share * in the plunder of Consuls, Prætors, and Pro-Consuls, than put the laws in force against them.

"New expedients were therefore resorted to, in order to remedy the new evil. Laws were made for judging and punishing the Judges themselves; and above all, continual changes were made in the manner of composing their assemblies!" The speeches of Cicero are replete with what he terms "*levity* and *infamy* of the public judgments." Then he proceeds to point out the fatal consequences, and dwells upon the revolts occasioned by the "tyranny of public judgments."

The Honorable Parliament of England will consider all these things, and place the necessary checks in a consistent and effectual manner, without which the executive powers at home will never have ponderancy sufficient to

* Bravo!

carry

carry any law into effect; and they submit to every proposal recommended from India to establish tyranny. It now reigns throughout, and things do not wear so pleasing an aspect as they should do. Time will convince our posterity how far these remarks deserve notice, and by rendering the information, I have done my duty towards my employers, my country, and fellow Britons in India.

SECTION II.

THE CHIEF CAUSE OF DEFECT IN THE PROVINCIAL ADANLETS.

THE executive powers delegated and entrusted with the public administration of the British India affairs, have with apparent attention to clemency, formed and enforced a mixed system of jurisprudence, which in fact consists of Hindoo, Mahomedan, and English maxims of policy, law and opinions blended together, the administration of which discover, in numberless instances, that lenity is mistaken for justice, and law for fees and forms. But whether any due encomium can with propriety attach to many considerations in the conduct of that administration or not, can be best understood by an impartial examination of what the laws are truly to confer, in the design, and comparisons drawn with their practices. In this consideration it will be proper to remark, that the good expected depends in a high degree on the moral opinions

opinions and motives which govern the magistrate's proceedings, but little confined or restricted in the first stage of apprehension, examination, and commitment; in a system which contrives all the ways and means of connivance, rather than to enforce an honest acquittal of that sacred duty imposed upon the nature of Courts, to judge of the natural and lawful rights of fellow subjects, whose lives, honor, reputation, and well-being, must in a great measure connect with a fair and impartial exercise of judicial procedure in all points especially, that are dubious or much immersed in the dark cloud of mystery.

The same thing is to be accomplished by various methods, which too aptly give rise to discordant opinions, tending to confuse simple process, and interrupt the plain object in view: but whatever be the mode observed, in the management of lawful proceedings, the end to be attained is *redress* for real *injury*, and to protect thereby the honest and industrious against idleness and vice; upon these rules prescribed by the legislative authority in a state, enforced by the executive strength.

It being therefore the vicious part of the community, and not the peaceful, honest, and innocent man the award is to reach, sacred care should be devised and constantly adhered to, with a public view to peace; which extends the good effect of its operation to protect every well-disposed individual on his own domain, unmolested by vicious obtruders. It is on that ground consequently, that extreme * lenity to atrocious offenders, or any offender found truly undeserving, whether it is practised through secret motives to gain, or from actual dread of parties; or from that insignificant weakness which multiply the test of causes, by excusing every thing; it matters not, so as the practice shall be found in its consequences to militate against the general good of the social order of things in justice. It should be kept in mind therefore, that law-givers in their moral definitions of right and wrong, should bind, as far as human foresight and comprehension of thought can well reach the officers employed in the execution of laws. The inventive faculty can strangely distort things; a clever artist can so dispose the effect of light

* Arising from venality.

and

and shade, as to alter the aspect of his picture by the most slight and delicate tints; an invention of a serious corrupt kind, when applied to cover, and obstruct research in truth for justice; and, to be guarded against with every possible precaution, by the parental care of a vigilant father; on this sound principle, that in every instance it must injure the innocent.

There is a plausible maxim of the British law, that two offenders should rather escape than one innocent man be punished; which, upon points mysterious and indefinite, is truly humane, after every fair means had been adverted to, to find conviction in truth; but where falsified purposes are used in the illustration of quibble, and cunning artifice, to withhold damages upon the strength of bribe, or other inducements; the punishment falls upon the innocent, both in the loss of time, trouble, and expence sustained: and under, perhaps, the specious cloak and pretence of lenity, which brings forth a facile connivance at those things incontestibly certain, to fix the point of right on the claim of justice.

The universal self-evident proposition, as the origin, fundamental, and established principle of laws,

laws, is, that he who is injured, shall have redress; and that which is impartial and equitable in the investigation and the decree, is the only principle justifiable in the practice. Hence trick, deceit, or oppressive partial judgment, are to bear no part in the divine use of justice, between man and man; and he who prostitutes that heavenly principle, to gratify mean avarice, or malignant pique, in any way whatever, should himself feel the force of that sacred principle upon which he was designed to act.

The support and protection afforded to offenders by unworthy and degrading connivance, encourages the perpetration of crimes. If a magistrate in his official capacity employed in a country to exercise laws, to be construed, from a voluminous mass of articles drawn from Mahomedan, Hindoo, and British maxims, where the word "jury" is unknown; it is evident that great latitude exists for evasions, counteraction, and corruption, which *juries were formed to repel decidedly:* and whether such derogation shall proceed from under a pretence of malefactors not to be found, or that these offenders know from indirect signs, they will not be looked for, with any desire to apprehend under considera-

tions

tions of *secret influence;* or on whatever pretence, which may tend to screen the necessary investigation of crimes; the vicious and malignant designing characters, presume upon their known powers in the practice of infamy, and never fail, after having tied fast the hand of lawful procedure against them, to extend the latitude of abuse in all the base malevolent conduct, to which Indians are so generally addicted.

To establish in the minds of men of predatory abandoned principles, a confidence that nothing is to fear, or but little apprehension need be harboured, from the commission of any acts, however offensive or heinous in their nature; that treachery, fraud, and every thing purloin, will be overlooked, or winked at; a ruinous source of evil is thereby established, dangerous to the security of property, and safety of persons: reputation, under such a state of things, becomes the source of laughable contemptuous scorn, hardly worth contending for; and the true characteristic of honest industry, a shadow or a bugbear, to affrighten the well-disposed part of the community, labouring under the dreadful effect of venal laws.

From

From the support uniformly afforded by the supreme power on the parts of provincial magistrates, and latterly the regulations formed for the better management under their respective authorities; it would appear that the great defect lies in the local execution of these regulations, not applied so as to produce the remedy with a requisite degree of efficient strength in honest determination; without which, however good in quality, and well adapted they may be, to procure any desired object, it may be lost by the artful connivance of the police officers, whom they immediately touch. Neglect and connivance would destroy the desired effect, even of divine inspiration itself: but if to a fair mode of procedure is added, a little of the essence of vigilance, to gain a lawful point, they reflect at some subsequent period with a real sense and relish of that reflex pleasure derived from moral action; and a due share of that self-love planted in the breasts and hearts of all rational creation; their preservation as well as happiness in life, will enable them to enjoy it.

But how is the reverse of that to be reconciled? and what shall we say of that fraternized association, if they are found by actual experience,

to produce for the most part, the heads of ringleading banditti's; that those members of police are positively the principals combined with others throughout, that rob and plunder the villagers by nocturnal excursions, and by otherwise exactions of daily premeditation. It is a known fact to be proved by records in provincial courts, as incontrovertible, if no counterfeits shall there appear, and of which it is impossible magistrates can be ignorant, connected as these provincial officers are, with those native officers attached to the different courts by whom their masters are biassed and ruled to a length convenient to themselves, but hurtful to others; the whole weight and scale of management once drawn into their hands, and they pull too hard against any counteractive force to give up, or recede from points thus gained. They never fail to make the most of powers once monopolized, but to sway transcendant. Hence every artifice with consummate address is used, and with pretexts the most specious, to carry it through with eclat and plausible mien, which gives a countenance and colour to all the variety of unlawful purpose, in which they are so generally engaged, to the ruin of some and injury to others; consequently, redress against malversa-

tions, committed by their scattered adherents, is hard and difficult to obtain, by any exertion: and a heinous practice has been long prevalent among those of that police, of seizing and sending in for examination, innocent people, with accusations against them, from an apprehension of complaints being preferred against themselves; and it often turns out, after a long confinement in a jail, that they are peaceable inhabitants of the neighbourhood of these police stations, who have previously suffered some illegal exaction from the * Derogahs and Tannah officers; and who had objected, or positively refused, to answer to their further demanded extortions. This is surely a cruel process; but it is no less customary than cruel.

To lessen the weight of imputation on their shoulders, the civil officers have been much in the habit of accusing Sepoys of similar practice. If a similar range of unrestricted latitude was given without their British officers to check and guide their conduct, no doubt can exist, but many attempts would be made; for all natives of India are so prone; but their opportunities are

* The head native officer of police. Several have been dismissed since this was written.

few

few, and the discipline and good order in which they are kept rigid. They have too much at stake to venture far; and having no power, they cannot exercise influence to the prejudice of individuals; and in every province the Asiatics would prefer military law to civil tyranny, if left to their own choice. This is an evident fact, which cannot require farther illustration than to observe, that the civil decree rests upon the judgment of an individual, which is tedious, inert, and expensive. The other is composed of a court of five of the most respectable of their countrymen, in which trick, artifice, and quibble, are unknown. In the civil court, guilty or not guilty, depends exclusively on the constructive force of the magistrate's light and shade thrown upon the kind of evidence he receives; whether of the circuit, or the inferior provincial courts, it equally applies:—there is no jury to guide the main point.

SECTION III.

REMARKS ON THE CONDUCT OF ZEMINDARS AND POLICE OFFICERS.

In different parts throughout these possessions, the police native officers, and zemindars in their vicinity, have been much in the habit of entering into league and combination with * Baniahs and others, engaged in the sale of grain, pulse, salt, tobacco, and such necessary articles as are required for troops marching through their divisions, and the ordinary consumption of the country, by which is occasioned both imposition and scarcity; and it is a continual source of complaint and hardship, notwithstanding the orders of government, to supply at stated distances, through the collector of each district, every requisite article of native provision, applicable to the wants of native troops as they pass along, that the prices of these necessary supplies are usually enhanced to a rate far above

* Venders of grain, &c.

the

the markets in the vicinity of camps; with a view to exact enormous prices, they have been addicted likewise to a practice of secreting themselves and their supplies, until absolute want shall oblige the parties to procure at any rate, the indispensible materials of sustenance; when, in the course of this disdainful procrastination, it has sometimes happened, that, recourse to coercion was the only alternative and means, by which the cravings of hunger could be gratified or alleviated. This is only to be considered as the last resource in situations of dreadful want, in the midst of plenty, of that sort of kind, which must be levied if not purchased; or rather, to enforce the sale of necessaries of life, without which the species cannot exist. In this way it has frequently happened, that great distress and sufferance is occasioned from want of aid and legal assistance of the judicial department through the Police; who, notwithstanding their copartnership in the secret league, are not authorized to render their lawful assistance: and that defect of their not being employed in the line of their legal office, is one cause to be adduced for these mal-practices; and while it serves to delineate a practice of some atrocity, it likewise shews, how far the imputation alluded

to,

to, is founded in truth. Those copartnerships in villainy, are universally prone to these kind of malversations, alledging in excuse for putting the people and their grain, &c. out of the way; fear or apprehension of trouble which might be given to them. Yet they know that every care is taken, inasmuch that no sepoy is allowed to enter any village in the vicinity of a camp: and British officers see every thing paid for in a regular and decisive manner. But they are, in reality, desirous that native troops should go to their shops to purchase articles in demand procurable, to exempt them from the trouble of transporting supplies to places of encampment, in conformity with the commands of Government. Under circumstances of a nature so pressing and distressing, it will appear particular and most extraordinary, that magistrates should be prohibited affording their requisite aid within the limits of their separate jurisdictions, as engrossing exclusively the power over the police, conveniently dispersed over the face of the country; but every application to that department, is abortive and altogether useless. They alledge that they cannot by any means enforce the sale of supplies for military people, as being a duty assigned to the Collector. Notwithstanding

ing instructions of a general tenour might be held by them, such as prohibit upon some occasions; yet, with regard to those things of indispensible necessity not procurable, on other terms, it cannot surely extend;* and of which distinctive points it is supposed these judicial officers could judge, when allowed to act. The needful in all relative situations, and under every exigence in these distant colonies especially, held by the weight of arms, must be done; and all things put in motion by the most convenient and easiest method. But the executive powers were studiously desirous that the misfortune of conquest should be alleviated, by allowing free scope and wide range, to these poor *innocent* natives; who laugh and turn into subjects of daily ridicule, all those terms by which they are characterized: and they let slip no opportune mode of turning the whole to advantage.

It must appear evident in the discernment of common sense, that the duty to enforce any regulation, or to provide for that not yet formed,

* This inconsistency will appear too palpable to need proof, but the whole of India will prove it, were it necessary.

naturally

naturally and properly falls upon the Magistrates, European and native; who while they withold their legal assistance from the necessitous fluctuating Military people, and those connected with them in every course of diurnal motion, as well as from planters and traders, they ought to reflect, that a passive conduct in the order of that duty is not confined to cases of mere inaction, but positive interruption. The people knowing well who holds the reins of authority, and seeing and feeling the with-held sanction, it is of itself sufficient to cause reluctance, and to press on those who hold no power, their heavy impositions.

This is not all: a want of judicial check from the right quarter is the source of other evils, and all descriptions of people are considered by that police as proper game for these expert marksmen, who, after inducing the people to hold out, and not to part with articles but on terms of double price to an Englishman, they ask you for vails or a present, in acknowledgement of the *favour* just granted to the purchaser!

Thieves are continual nightly visitors, and to provide against their indefatigable attacks, the Military put the whole of the property out, and pile it up as close as possible on the open plain, near to the door of each tent, under charge of a sentry; as a precaution which alone could prevent the shame and painful inconvenience of marching naked the next morning; for no part of his wearing apparel, or any other article of property would they leave behind on a march, was this precaution neglected before dusk in the evening. The Tanadar would not leave a wreck nor a vestige to repel the inclemency of climate, or soothe the minds of the itinerant soldiers; yet he was himself formerly a soldier! and there *are* besides, who cherish pleasureable thoughts in the secret idea of having contributed to the distress of their fellow-creatures, by whom they are protected; and who are obliged to employ their men and act themselves, in those things which destroy their own comforts.

SECTION IV.

DIVISIONS OF PROVINCES INTO SMALLER PORTIONS, ZIRIDS, PURGUNAHS, OR ZILLAS.—PROVINCIAL POLICE ESTABLISHED.

EVERY province which constitutes a jurisdiction, is divided into a number of smaller portions named zillahs, or zirids, in or near the centre of which are placed in each, a Derogah, or head officer of police, to whose post is attached, an establishment of a clerk, a Jermidar, or deputy, with ten Burgandazie, a description of the military order, armed with matchlocks, who are employed in apprehending offenders, and to enforce the magistrate's order or summons. To these are again attached a multitude of smaller posts, at each of which are placed an inferior description of this species of military corps, armed with bows, arrows, and sabres: of them at each of these several posts, are a Sirdar, or head, with four, five, and to the number of ten, twelve, and as high as sixteen, to co-operate

co-operate under the authority of the Derogah and Tanadars, in the maintenance of peace and good order; which, under the vigilance of honest officers, might be of extended use to the country at large, as the writer of this can attest.

These watch-posts are numerous on the plains, and more so in forests. In some districts or provinces, there are upwards of forty divisions, and within the boundary of many divisions or zirids, an hundred and upwards of these watch-posts, amounting to from five hundred to a thousand idle souls in each division, which, if multiplied into only thirty zirids, will at least make up twenty-five thousand of unbridled depredators*, in each of the large provinces; the whole of whom are professed thieves in continual practice, in every direction where not employed; which reduces every individual, and family possessed of property, equal to the exaction of their wages, to employ one, two, or three, of these miscreants, paid on monthly wages especially, for the purpose of watching property contained

* These formerly formed the main body of infantry which composed the army of petty Rajahs.

within the house and its offices, &c. attached; which they will protect with care while thus employed; but the instant they shall be discharged, and not replaced by others, neither sentries nor locks will prove a safeguard for live stock, stores, or goods, within or without doors. Being dispersed throughout the whole of Hindostan, and connected as well in policy, as by an extensive chain of posts, their range is great, and their enmity dangerous. Their influence deter into silence their superiors of importance enough to attract attention, from a dread of detection by information preferred; and these are easily secured by presents raised on the spoils of booty. A guard of them can protect the person and property of an individual, in the greater security than a detachment of a regular corps. And, being concerned and connected with all the thieves within their respective zirid, as with those in its vicinity, they can restore stolen goods or live stock, if insisted on by authority; which adduces a proof of their concern and fraternized connections: but this leading to a discovery of perpetration, it requires determination upon the principle of this knowledge and conviction of such a fraternized league actually existing, to induce

duce the heads to find it out; which in former days was very frequently done; and I could name several who have received restitution of stolen goods in this way. They pretend to trace the booty and the footsteps of thieves: that is, however, that upon enquiry after the booty stolen, the criminal is immediately informed, who as soon as possible, drops it in some empty place, or buries it in the earth, of which proof is taken of its being found there; but if the thief is given up, the property is generally secured and buried in the earth for a time, and for the use of others of that fraternity; or until the convict has foregone the award of punishment.

On this institution being new-modelled in some respects, and put under the Derogah who superseded the Tanadar in his office, formerly at the disposal of the respective] Zimindar, to whose Zimindary he belonged; all responsibility of sirdars and officers was dispensed with, an abrogation which let loose this numerous fraternity to commit devastation upon the public, which produced an awful and a most distressing change of feodal regularity into a confused species of anarchy, to be brought under again by military

military operation. For several years they over-run the interior in all directions, by nightly and even daily excursions, plundering and burning villages to an immense amount, in bodies of from three hundred to fifteen hundred banditti in arms; taking refuge as often as pursued in neighbouring forests, from which the greatest number issued. So hardened and bare-faced were they in 1795-6, under the confidence of their strength and hidden recesses, that regular markets were formed for the public exposure and sale of booty, comprizing all the various articles of manufacture of the country; and in one part, in a forest, a shed was erected, under which booty was sold by auction to the highest bidder; and they absolutely fostered premeditated designs of being able soon to drive the English out of this country.

Military detachments being employed in all quarters, they were driven from the plains, and at length many ringleaders were seized, who were discovered chiefly, if not entirely, to be Tanadars, by whom corps of their attached Chokedars and Pikes (watchmen) had been formed, and in which many Zimindars of respectable fame were implicated; but their entire subduction was by no

no means effected. They only disperse, to rise again the first convenient opportunity after these detachments were withdrawn; new military posts were then formed to keep in check that which could not be easily subdued, but by a termination of their existence; and these banditti have in various instances stood and fought at a very short distance against regular troops commanded by British officers: parties of whom sent under the management of native officers of corps, were invariably driven back, or surrounded, until succour was sent to their relief, within the verge of forests.

In the course of five or six years of the new civil constitution established, the revenues gradually diminished to near one million sterling, and the troops were incessantly employed and harassed in this way; a service allowed to be the most unpleasant, fatiguing, and dangerous to health, which British officers can undertake. The industrious were every where plundered, and numbers fell victims to some resistance attempted in the struggle to save property. The Europeans were every where teazed, harassed, and distressed, with insolence, opposition, and seditious practices; and troops were so thinly scattered,

scattered, that the civil * servants in many districts, found their situations by no means secure. Thus much for the political change and introduction of a new system of jurisprudence and police, by the aid of which a more efficient reverance was hopefully expected—which will be farther notified hereafter.

* A magistrate who expressed himself freely in the language of a British member of the British constitution, on the subject of nugatory powers of this venal police, was called to the presidency, and abruptly removed from his office in the year 1803.

SECTION

SECTION V.

THE VENAL CONNECTION SUBSISTING BETWEEN THE INTERIOR POLICE AND THE NATIVE OFFICERS OF PROVINCIAL COURTS.

It was before observed, that the venal connection subsisting between the native officers of the court, and those of police in the interior, strikes at the very root of justice in civilized system, and in allusion to instances against them, as before observed, redress is difficult to obtain. These secret collusions which so incessantly prevail with a view to profit by their keeping back causes, or distorting and giving an improper bias to such as are brought forward, in a high degree tends to defeat or abolish that firm confidence every man should hold in their thoughts as fair and impartial. These, however, by a late regulation, instead of being independent of the magistrate, are now put under him invested with powers to dismiss, in the event of snch offences being proved against any of them: the magistrates being supported by military

on the duties of each district, he can frame no possible excuse for suffering neglect and connivance. At some of these police stations, military guards are detached, the presence of whom cannot fail of being of much utility; if a check to abominable extortions can by any means prevail, military reports will bid the fairest to its accomplishment; which though simply to inform, that all is well, or that some trifling occurrence was executed at the request of the Derogah, to repel some attempt of people assembled to plunder, would put them on their guard, and prevent in the course of time their frequency: acts of depredation are slightly thought of, from their frequency, especially by those who can benefit with impunity from a practice so truly diabolical and disgraceful to the human species: but which will continue to be persecuted so long as secrecy can screen vile perpetration from the public notice, or the veil of darkness envelope mal-practice in obscurity.

Whatever information they can withhold from the knowledge of magistrates, is nursed in their own bosoms: indeed, they are not solicitous in searching for intelligence which must be noticed when known, and by which they are obliged

to

to embark on a scene of endless trouble, of much pain and fatigue, attended with no emolument. Nay, the consequence of such a public spirit evinced, would, owing to its disposition of prying vigilence, soon stop up every golden channel, and the chief of the province hence might incur censure, for looking too deep into the state of defects! in the consideration of which, should apprehensions really exist, grounded upon what some idea of the signification and the general term non-coercion might infer, we applaud the magistrate for sagacity, and his heavenly foresight into the nature of convenient things.

A constant routine of military co-operation being indispensible one way or other, indeed, in support of the whole catalogue of turnings and windings of civil departments, I conceive is highly proper to notice a degrading jealousy that exists inimical to a free and friendly intercourse in their social element with the officers of the army; unless the latter will cringe and court, and give his frequent proofs of acknowledged superiority, which in no society should be suffered to prevail if demanded by one branch or the

other individually, out of court, and off the parade.

Their craving passion for particular and general command over military officers in their exercise of duties, and the ideas imbibed of Turkish jurisprudence, is a most unaccountable itch of ambitious jealousy to occasion pain and sufferance under this kind of Abyssinian molestation, to ride hand in hand with the other jockey. The magistrate with whom this was established on its adoption, demanded both the controul and direction of those guards so detached, to the entire exclusion of that connection which must subsist between the commandant and guards detached from his corps, in situations where he is responsible for their good conduct; an exclusion which no regular government would require or enforce to indulge mere caprice in this species of ambitious, jealous whim; by which a licentious tendency to transgress at a distance, can alone be regulated and prevented, in situations where is placed before them, every temptation to evil. And this exclusion of a particular part of a commandant's concern and prescribed duty, however inconsistent in its practice, however impolitic the considerations shall appear, which can lead to, and sway the bias of that demand,

altogether

altogether inconsiderate in the scale of weight it bears in the principal of executive management, and more especially, as it applies to a local duty: it nevertheless hath been supported in the instances to which this refers, and in many others, but I believe not generally so, which should seem to fix a stamp of partiality and deviation from a general principle, and a character in executive powers, commonly observed: it also tends to mark the character of these judicial officers for an insatiable desire to exercise powers unlimited and undefined, over duties as well as men, confined to, and employed in, other branches of the service, and occupations of life; which aspire far beyond those judicial powers held in courts, and the extensive police estatablishments, over which their authority is now decisive; and I am sorry to remark, that things are far—far from being as common purposes require. I cannot here refrain saying in this place, that their indefatigable perpetrations will ultimately be found a principal cause of some great and awful change on the face of these possessions, if checks to them are not applied from home. This Turkish mode of magisterial management to supersede or abrogate lawful process and regulated system, was brought to its full maturity in 1806.

SECTION

SECTION V.

RELATIVE DUTIES OF THE ARMY TO THE CIVIL POWER ESTABLISHED.

It has been a maxim of the supreme power hitherto, to reserve to itself particularly and exclusively, the authority of calling upon military force to act upon a representation and statement of particulars from Magistrates of the lower provinces, who consonant thereto, had to wait for special instructions; and therefore, all controul of the civil officers over military bodies was suspended, until called into action by that special authority; during which, a general controul for the time being existed, up to the termination of that local service, when it ceased to employ the smallest interference. And further, the only *(vide the military code by the Marquis Cornwallis)* regulation extant on that head directs, that the nature of service upon which troops are to be employed, when called upon to act as above stated, is to be pointed

out

out by the civil officer, and the military commandant on the spot is to judge of the strength applicable to duties on which it is to be employed, and the further management is left to the direction and prosecution of the officer in command; who is to correspond* with the civil officer in whose district he acts, and to advise others anterior to his entering another district, of the necessity and intention so to do, in pursuit of his duty, to repel or discomfit depredatory bodies in arms. Here will appear the regulated limits of the most material connection of duties of British military officers in relation to the judicial department; and notwithstanding this regulation was formed anterior to the introduction of British Magistrates†, it stands good in law, as never having been repealed by any subsequent regulation; and moreover, the Collectors at the time of its formation, were empowered with judicial authority on a more extensive scale, if possible, in that capacity, than since the time of the separation of the revenue and judicial authorities; indeed, these authori-

* And with the Commander in chief in the Upper Provinces.

† In point of appellation, to separate the judicial from the revenue duties.

ties

ties were at that period of the Honorable Company's growth, exercised discretionally as they applied to the native inhabitants. These remarks include every material which relate to the ostensible part of relative duties, of the military to the civil department.

The collectors and all civil officers, are bound by that regulation to observe a similar conduct, with this additional clause, that in the applications for guards or detachments required, they are to write under the form of a "request;" a dereliction to which, has latterly been conspicuous in the conduct of some Magistrates and acting Magistrates, who prefer the authoritative style of haughty command, to the mild and polite "request," which must equally be complied with, by the military officer; and what good they propose to themselves or the public service, by such a dereliction; or what design is contained in the political character, by rendering its support in *opposition* to that *regulation*, which the supreme power hath not thought proper in its wisdom to repeal; remains with me and others, a desiderata, to be informed; the more especially since it surely is a defeating project to take us unawares, to back our sails, and run

us adrift; which in the course of these three years past, has been fatally experienced: and since it is impossible that decisions given in a diametrically *opposite* course to regulations formed and in force, can meet the public approbation; it is but fair and proper the world should be informed of this character in the administration of British Indian affairs.

SECTION VI.

THE UNDEFINED POWERS OF PROVINCIAL MAGISTRATES—DUTY AND POWERS OF DEROGAHS, OF POLICE REMARKED UPON.

The Bengal Magistrate enjoys an extreme, as well of lucrative salary as of princely powers: in whatever district he is employed, he is, more properly speaking, a Viceroy vested with, and supported in, every proposition, and every opinion; as well in what may appear plausible, as that which bears but little resemblance to reason and sound policy. No defence of an European subject is allowed, in contradistinction to his will and opinion; and a blind unconditional obedience is exacted of all British inhabitants throughout the different provinces, however injurious, degrading, and unprincipled the conduct observed.

The subdivisions within the limits of each province are, as before observed, manifold, and in some proportion to the extent of each; the detached

detached posts under the nominal authority of each Tanah, are multifarious; all of whom thro' the Derogah, bear a degree of connection with the chief civil officer, the Magistrate, whose jurisdiction is comprehended in the extent of a province. The Derogah, who holds in his person, of both a military and civil nature, certain powers; can assemble the men from these posts, and with his Burgandazies united, can march against neighbouring predatory parties with a view to repel as far as he can, such like invasions of his zirid or division, beyond the limits of which, he could not advance, till lately, some further latitude was permitted, under particular circumstances, and restriction; by consequence of the military guards allowed, and established partially, for their personal protection; as well as in a public view, to do away that excuse of fear and dread of the banditti by a co-operation of their strength, under the cloak of which, his plea was adduced, and reasons assigned, for certain neglects and connivance; whilst it secretly attracted towards him some emolument for his passive, and his artful conduct; it was therefore proposed by military officers to Magistrates, to effect this desired

amendment*; the result of which will, in the most probable event of things, be of much use to cultivators of the open fertile dimenses, surrounded by woods; as it may be, to the adjoining plains. In this civil capacity, for so it is termed, he can search for, and seize by order of the Magistrate, or by his own authority, such offenders as shall be pointed out, by order or complaint, for offences committed in the Fozdary or military departments; and those apprehended by his own authority, he can examine and retain in custody for the space of eight days, in resemblance to the articles of war of similar restriction; when the party must either be liberated or sent with his accusation, to the provincial audowlet for further examination, and safe custody, if the affair turns out as answerable to the allegations against him; or if defective in grounds and witness, he is discharged, and the affair subsides without farther trouble. In the primary stage of this change, the litigious appeals were numberless: dissatisfied, as well from the mode, as the colour and cast of British civil offi-

* From recent information received, the Guards have not been relieved for nearly two years, owing to the venal authority supported by the Magistrate, of which it appears commandants partake largely.

cers;

cers; they run in frantic bodies to Calcutta,* in a clamorous noisy manner, crying aloud for justice: when upon examination, it usually appeared, that they were only dissatisfied, not injured, by decrees given against them: and that litigious spirit and a seditious conduct in the hearts of the people was deserving of farther reprehension, rather than censure of the Magistrate or Collector complained of at that time, so shortly after the introduction of this novel system.

The powers vested in Derogahs have however been shockingly abused, in a manner the most licentious and tyrannic, inasmuch as to have been proved in numberless instances, their having been employed adherents of the Tannah establishments for the express purpose of collecting booty, as being the main spring by which predatory parties were actuated in their unlawful attacks, in dark nights upon villages for plunder; which to this day is in practice throughout: and while I am making this remark, my people are just saying, that a village distant four hundred yards from the spot where I sit, was in the course of the last night plundered of every valu-

* This was on the first establishment of the new system, when the greatest precaution and care was observed.

able

able article it contained. This adds fire to former reflection: and I could wish to have the management of, and be employed in the administration of any given province for a term of five or six years only, not indeed under this, but some other sign of the zodiac, as an experiment; during the course of which period, after the expiration of the first year, I am of opinion, the property of all those who cultivate the lands, and otherwise live by industry, could be fully and securely protected.

But to return again to the business of the Derogah and his various Tanadars, who lean to the side of zemindars, their old masters; these in league, have been famous for seizing and confining individuals, with no better design than that of making them pay for their liberation. Upon an accusation of ten inhabitants any man can be seized and sent in with the Jewob-bundy, on verbal relation of circumstances alledged against him, without the sacred form and administration of oath; which affords great latitude for asperity and malice, upon which to exercise their faculties, often to the ruin of innocence; and it surely is confined to notorious Dekoits, who are professional depredators, and who are

so faithfully protected for the good they do towards a few, consisting of forty or fifty, out of two or three hundred thousand souls in a province.

The danger attending this indiscriminate mode of accusation, on the suspicions of ten householders, without proof of some overt act, is great, and its consequences awful; for the friends of parties so accused and apprehended, never fail to retaliate, and to threaten the destruction of those accusers; nor will they hesitate to execute their designs; which is the root of an evil to cause extended disturbance among partizans; the end of contagion once roused to action, is uncertain, and which, I am confident, has in various instances, operated with pernicious and fatal consequences. They do not make their attacks by day-light now, but in dark nights, by surprize; and unawares they steal upon their prey for the most part, when all is still in silence and asleep. The villages keep by subscription a few watchmen; but the dogs of the village give the first alarm, and these watchmen are usually bribed to treachery for a quiet reception of their brothers of the profession. In the midst of this confusion, the Derogahs,

rogahs, as well as Zemindars, Tanadars, and their inferior Sirdars, or heads of parties, by their timely interpositions, never let slip the oyster; hence it will be seen the principal cause of so much of these uncivilized practices in robbery and devastation: the petty part of which in the extremity of his jurisdiction not always heard of; and often would be sorry in fact, should any honest man take the trouble through injury sustained, or danger apprehended, to communicate particulars; which indeed, must be stated in a respectful petition with the names of the witness, and fees accompanied, to give the title of its being received into Court. In the perusal of this paragraph it will be understood, that instead of faithful performance of incumbent duty to keep the peace, these police officers are the very cause, the inventors, and the fomenters of disturbance.

SECTION VII.

ANTIQUITY OF THIS ESTABLISHMENT NOT EXACTLY KNOWN—IN ITS ORIGIN, PURELY MILITARY.

The disposition of that armed banditti, is of high antiquity, and any enquiry I have been enabled to make of the learned in Hindostan, has not led to any certain account of its first institution, farther than "it always existed,*" as forming the infantry of all petty Rajahs in every little state throughout Hindostan, previously to the invasion of the Moguls; by whom approved and adopted, it was afterwards organized by Mogul officers in some parts of the conquered dominion. In the time of Shah Jahan, so rigidly was its powers enforced, that robbery and depredation were scarcely known, in the latter part of his reign; so much so indeed, it became proverbial, that "if a gold mohur was dropped on

* A late anonymous writer was misinformed when he asserts this to have been instituted by the Mahomedans.

the road, no one would dare to take it up." The establishment in its origin was purely military, and committed to the management of their Fouzdars and Jimidars, or military officers, subject to the Subah or Nawob, under whom they served; as it now should be, with British military officers, put in the management of the whole, if real good and general utility is to be derived from its fair services; and then indeed, it would by care, attention, and honest vigilance, change and form its principles; incalculable good might reasonably be expected. But here the Magistrate, with all the eloquence and strength of Demosthenes, interposes his right of election to command armies, whether opposed to Philip of Macedon, or Darius of Persia, he cannot relinquish the main strength of his power, patronage, and alluring influence; notwithstanding what I have to propose will not deprive him of any part of these alluring objects but the latter; nor might it, for any thing that I know of, deprive him of his usual *grace*, in fees, &c. But these gentlemen have been so much habituated and inured to the idea of looking upon all, or any of the army officers, as the espoinage of their proceedings and delicious fare, that it has in all times, and in all situations, trampled upon military exertion,

exertion, upon which they have fed sumptuously for forty years past: however great and deserving of encomium, they never have approved, but to do it away again, so soon as the opportunity served; in the gratification of caprice indulged, or to sooth rankling jealousy ever harboured in the sordid mind of those who roll in superabundant lucre.

SECTION VIII.

ESTABLISHED ALLOWANCE OF MAGISTRATES IMMENSE, YET CONSIDERED INSUFFICIENT—THE DISPARITY OF ALLOWANCES EXAMINED.

The salaries of British magistrates in Bengal are from three to four thousand pounds sterling per annum, which comprise their authorized stipends drawn monthly from the resources of the province in which they are employed; and is exclusive of all secret emolument, which does or may attach, to the offices they fill; and which emoluments are generally supposed to double that amount: but notwithstanding the immensity of this amount, it is remarked by them in a grovelling tone of complaint, that "nothing now is to be saved but in the commercial line of the service," while it is well known that their monthly expences, but in few situations, exceed a fourth of their authorised receipts: to offer any comment upon this sordid humour

humour of indecent absurdity, cannot be to panegyrize this quality or passion, which craves after things in themselves so absurd and out of reason upon any fair comparison drawn with others, as to the true value of services they have to perform; what must then be the estimation a military officer of equal length of service, should put upon his loss of time and fluctuating state of his servitude, and all the concomitant evils of less comfort, bad climates, upon pay which barely supplies his reasonable and indispensible wants. The civil officers in great receipts, and in the actual command of every luxury the country can afford, who can be mean enough to complain, and envy those inferior enjoyments, in the itinerant state of a military profession; exposed to camp fare, and all the vicissitudes of salt-petre damps: together with the burning rays of a vertical sun, in addition to those so *pleasant*, before related; should change his place with them, and learn by hard-earned experience, that which daily observation cannot instil.

They should recollect besides, that in the infancy of all states, the formation of comparative pay and allowances, of the different branches of public servants, greater equality in the sums

total

total of each were settled by the deliberate voice of wisdom, with circumspection and with cautious care by all the legislative bodies and heads of nations, whose institutions are recorded, and handed down to us.

Nor did the honourable Court of Directors, including the opinions of their servants abroad, deem it wisdom in policy to settle and grant pay to the gradation of civil ranks, above those of the military services on a parity with them: and that was done not only on the grounds of former precedents, but on a sound foundation of political consideration, reason, and justice. The privileges of civil servants in trade, &c. were then so great in all situations, and these connect so strongly with the multifarious ways and means of making employment lucrative, that their Batta was even withheld from that branch of their servants; which was no doubt an opposite extreme; for in all general systems, every partial consideration should be exploded with reprobation.

In the British system of pay and allowances, which ought indubitably to form collateral precedents,

cedents, and be our guide in this particular especially, of the relative amount of sums of pay and other allowance; yet we find, by a comparative statement, that they are settled in England upon terms as near as may be *equal:* indeed a small preponderancy will appear in favour of the military officers upon the sum-total of each gradation being taken. From the field marshal and lord high chancellor, down to the ensign and exciseman, the difference is so small in the parallel, or opposite statements, as the one bears to the other, that it hardly constitutes a disparity to be noticed. What are then our comparative considerations in the service of British India, held by the power of the sword in one hand, and the quill in the other? But here we must pause—and leave to men free and independent, to discuss fairly and honourably, a subject deserving notice and attention of the first-rate talents and greatest statesman. No freedom of sentiment is here allowed; Britons here are metamorphosed into Portugueze drones, and Spanish chicken-weed: no protection can poor John Bull here find, should he be so indecorous as to roar aloud; but more of this hereafter. It is high time now to sketch

slightly some further particulars. In drawing such a sketch it is not intended to dip deep into retrospect, which would exceed the limits marked out for this undertaking. To comment upon a few things, with a view to, and hope of amendment, was the design; to see those amendations soon take place, is the anxious wish of numbers.

SECTION IX.

FIELD DOUBLE BATTA STRUCK OFF—THE MILITARY DEPRIVED OF THEIR JURISDICTION OVER SUTLERS, CAMP-FOLLOWERS, AND BAZARS.

IN the year 1801,* the field double Batta established soon after the conquest, and paid in the first instance by the visier of Lucknow, upon the conquest of Rohelcund, annexed by subsidy to his domain, was struck off, and made to cease from the month of July in that year. On the subject of policy and justice relative to these things, to comment would be needless, and all illustration vain; time, the honest and indefatigable developer of truth, will hereafter explain what I cannot pretend to, so as to venture an opinion.

* At the time of cutting off this Batta one million and a half sterling was lopped from the vizier of Oude, and annexed to the British dominion. Would Mr. Hastings have done this?

In the course of the succeeding year followed, a long string of regulations, depriving the military department of their controul over, and management of, their cantonment markets, or Bazars, and sutlers therein settled; including followers of the camp, and all the train of menial dependants of military people; amenable in all countries to the articles of war, and without such a jurisdiction over whom, the obligation to live among them becomes a burthen imposed upon life. Upon the introduction of this novel, frantic system, of putting our confined domain under the jurisdiction of a corps of venal miscreants (the native police) in the vicinity of whom attached; the people become insolent and refractory, pestiferous and oppressive.

The prices of all articles of daily consumption, and hired labour which depend upon that standard, were enormously raised, and a perceptible scarcity of the marketable articles of common use, as well as of provisions, formed the most conspicuous characteristic of this unexpected change, which was severely and immediately felt. The whole were now under the police, and controul of the Magistrate to whose jurisdiction it appertained; and a scene of confusion and

and pert defiance of every British face, succeeded to the great mortification of their old masters. Applications for many articles of supply soon required an advance of cash, two or three days previously to the act of procuration. The situation of men and families thus forcibly obtruded upon them, was rendered miserable; and these reiterated attacks from remorseless power upon the interests, feelings, and comforts of military servial drudgery, reasonably occasioned sullen murmurs; universal and natural desires to regain these personal and political rights enjoyed from the conquest, and consequently, incorporated in the body of this colonial constitution; a consideration which, united with immediate loss and sufferance, of course would elevate the minds of some to a higher tone, and depress the spirits of others; from those grating reflections, these bold measures so naturally occasioned. The aspect of determination for a time was apparent; time elapsed and nothing was done; and dull time itself subdued that which no exertion in opposition could have accomplished.

Novel systems of ethics affect the head, and distract the brain, of modern men; one man

emulates another, and there is universal struggle for the palm, in that sort of brilliant talent, by which a too refined stretch of nature in excess, is established and adopted; more for the display of vain fantastic fancy in the choice of words and flowery diction, than to the useful purposes of life; more to acquire immediate gain and to purchase titles, than to found a sound and lasting system of polity; and to please the transient thoughts of the selfish writer, than the bulk of those they chiefly concern, and tenderly affect; notwithstanding the deference which should necessarily be paid to the main spring which keeps the works in motion, and marks the constant time.

I will in this place most humbly observe, that those so infected with the itch of proposing and forming innovations to the great concern and detriment of particular classes, should soberly advert with care and foresight to the most prominent consequences. Consequences in every change are perceptible; and secure footing is a castle of constant resort, and respected fame in every country. Every material innovation enfeebles all the pillars upon which statistical system rests and reclines. That respectful confi-

dence

dence the family holds from habit and use of the mansion-house, should not by wanton, conceited opinions, be infringed upon, nor thought slightly of by others. Accustomed to the habitual opinion and favourable prejudice to those of our ancestors, who built the grand fabric; any change, unattended even with loss, is irksome to our feelings. New laws, and new forms to which we are constrained to yield and obey, require both time and practice for men to attain a true sense of their spirit, and to turn their minds in unison with their discordant sounds.

The permanency of laws constituting in their practice, the truest test of their intrinsic worth and good qualities possessed, no executive power independent of the general wish expressed, should form innovations; nor set a criminal example by any deviation from established rules; to hoist the signal of monstrous tyranny, and bury the flag of truce in the dungeon of grim oppression! such a dereliction of positive duties plainly seen, no further doubt of state corruption can exist.

Good or ordinary regulations formed for the most salutary of all worldly purposes, should

on

on no account be willingly infringed: to usage and customary rules every practicable attention should be paid; whether of a particular class, or of general use, they must be respected, and held sacred, if not superseded by any other law in force of later date. Mankind have only to add to these, virtue, for his guidance in those things where usage or custom may interpose, but laws seldom reach. To regulate his conduct therein an honest intention to act right upon the sense of his own judgment, will crown the mediate or immediate hopes, and constant wishes, with probable success.

Regulations good in principle for general utility, shelter us from the crooked effects of arbitrary power, and from every violence of hatred, pique and caprice, rouzed in the breast of an arrant despot; who, though constantly suspended as a balloon aloft, in danger ef falling; yet, looks down upon the men on earth, and recognises the whole, as a Crane would a Pigeon, as an inferior race of human construction, converted to his servile purposes. The Salvo is, "I'm the judge."

SECTION

SECTION X.

A TENDENCY IN OUR NATURE TO EXTEND THE ARM OF POWER, REQUIRE A CONSTANT REPULSIVE FORCE ON LEGAL GROUNDS.

So prone are the human faculties to crave after, and to struggle for a continual extension of powers attached to any office station, that a constant repulsive force of opposition, to regulate and check all burstings out of whim, and testy capricious humour, is not simply necessary, but indispensibly required. In this quarter of the globe however, in which the British power presides, over an expanse of country quadruple of the parent Empire, no such thing exists: and upon the specious pretext of curbing the Military, on a plan of Hospital rule of regulation, every thing is carried on in a confused mode of absolute wild, incoherent inconsistency, unknown in the forests of America, or on the Arabic desert: it is beyond my feeble attainment to comprehend precisely, or describe with effect even

even what I see and hear. It begins at the head however with a Captain General, and the Magistrates command corps in arms, into which all its component parts are absorbed. With respect to their opinions entertained of the principles of Justice, a specimen or two will suffice to enable the public to judge with sufficient precision, of their tendency and effect of its administration.

SECTION XI.

NOTIONS FORMED AND DISSEMINATED AMONG THE PEOPLE INIMICAL TO JUSTICE.

THEY declare it to be a sound maxim of policy to allow the caprice of the people to rule and be their guide in whatever nature dictates, nor is that umpire of their will to be thwarted in any way, or in any thing* which may not amount to a capital crime of the most atrocious nature, as it affects others. This at once reduces things to a pristine state, and sets aside the rules of law and system of liberty established in all civilized nations; which if followed up to the extent of that maxim, would do away the claim of right individuals hold in real and personal property; then a right only held by prior occupancy, and not by transferrable right, which the laws confer. But thus far it does not extend. It chiefly applies to the tolerated imposture through-

* Unless it should militate against the interests of the Magistrate himself exclusively.

L out,

out, and misdemeanour against the industrious cultivators of the land, and the Europeans settled to set aside every rule formerly formed to regulate market rates, and conduct of the people; to bind them to a fair order of dealing in their contracts of the several kinds of labour to be performed; to punish theft and all the various aggressions; to regulate water and land carriage, and the stipulated rules of labour and wages heretofore settled and observed by our predecessors throughout India, and in a way bearing every resemblance to the existing police regulations established in the metropolis of London; and of all large citres in Europe, where corporated institutions exist, and till now were observed. Hence it happens, that all observance to the steady restricted rule being dispensed with, and all the various aberrations encouraged by Magistrates, every time taking advantage is seized, to forestal, swindle, and impose at pleasure, to the great distress of the community. It likewise encourages a spirit of combination to secrete, and withhold articles of general and daily consumption, with a view to raise exorbitant prices; by which are materially affected, all the various classes of mechanics, artisans, watermen, labourers, and all those numerous individuals who live on

on their small incomes earned by daily or monthly wages, &c. who of course endeavour to raise their demands to the standard of these enhanced rates; the whole of which cause a species of oppression of the numerous inhabitants, European and native, who live upon certain pay and small profits, in all the large towns, and at all the stations.

To expatiate upon such a declaration and enforcement of such an idea of delusive policy, would only be to expose its fallacy, in a light truly ridiculous. All regulations are formed, or should be formed, on principles of reason and justice; wherein every individual must give a portion of his natural right for the more extensive possession of these legal rights which the laws confer, and benefits which are thereby attainable under the protection of good laws: consistently with the common sovereign right, and reasonable claim of each subject, individually considered in the scale of restricted system. These are general rules of a fundamental nature which appertain to Government, and which cannot be infringed by any local regulations, which local regulations authorized and formed for the special guidance of the conduct of in-

dividuals in places within the state, are nevertheless dependant on the general laws of that state; a principle necessary to be understood upon the introduction of local regulation, to evince no intention of particular or inconsistent independency of the general weal; which in fact cannot exist but in the crime of illegal administration: for these can only be found by express permission of the supreme power*; any derogation from which would tend to reduce the general system into confusion and anarchy, wherein individuals would have to contend for the natural rights held by mere possession, so long only as he should be able to maintain it, and no longer; and, by attempting to act contrary to law, he forfeits their supreme protection.

Local regulations for the restricted guidance of individuals, in obedience to the tenor of a general system of jurisprudence, are formed on the reasonable principle of a sensible mediocrity, which considers the benefit of all classes, and each person in his class; and wherein his portion of privilege can only be considered as it bears to the whole,

* The Parliament of Great Britain.

impartially;

impartially; as for instance, superior privileges conferred upon any one person, or any one class, must operate in its practice to the injury of others; and that every one may enjoy by an easy and fair method his due proportion, is the real meaning and the original design, to urge the institution of regulated rights in law: thereby to obviate and avert imposition, insult, and monopoly. The result is pleasing harmony, among all those who evince the disposition to conform to, and act in this sphere of restricted right, and rules of wisdom; which when formed, must be attended to with rigid care, or the end of their conformation is defeated. But as the whole would not incline to a due conformance of their own accord, magistrates and petty officers to assist them, are constituted and appointed to support these laws in regulation both general and local; as well in the consideration of those derived from usage and custom, as those written on the above principle conceived from actual experience to be indispensibly requisite, on the grounds of general benefit; an honest administration of which produce universal conciliation. Do these principles away, and tell me for what magistrates are employed? not surely for the uncivilized practice of defeating the end and be-

ing

ing for which salutary rules are instituted, and themselves appointed. By suffering us to live, they do us a *favour;* but injuries of inferior description, *are not to be noticed.* It is only the intention of these remarks to speak upon, and allude to, the universal concern, in relation to common justice; as it refers and connects with the mode and practice in Bengal, for the execution of which the fullest discretional power is placed in the judicial magistrate of each province here, who is a justice of quorum, and of police, added to his virtual command in military affairs, which will be allowed as of sufficient extent to do much good, and more harm. *Here you perceive the feudal tenour in full growth.*

Under such a conviction of policy as that of denying a hearing, and redress in the event of injury received of the lesser kind; who do they serve and please, but a few impostors, in order to disoblige a multitude of useful, industrious men and families? Can this be denied by any who take the trouble to examine and view objects beyond the length and stretch of their arms.

To

To notice the local buddings which mediately or immediately disturb the peace, is considered in him as a duty, which he can with impunity, but not legally neglect: and it only requires the grand principle, for which they are appointed, should be understood, in order to say what their duties toward individuals must be. Statues and images might be stuck up in any situation, and under any pretence; but the qualities of the thing we are here to judge of, and to approve or disapprove, as it relates to the administration of justice, in these colonial possessions.

Placed in a situation of high trust, where every requisite information can be desired and usefully collected from the voice of the people concerned; he is afforded the best opportunities to suggest, in his direct correspondence, those things requiring amendment; but there is reason to believe, that any proposals made, tend more to produce some private convenience of a selfish kind, than the good of that public utility for which they are so liberally paid, and should be deeply concerned. In this endeavour, he should not be biassed by his Derogahs,* Nazirs,†

* Police Officers. † Solicitors of Provincial Courts.

nor

nor Sarkars* and Munssies;† who are entirely swayed by sordid views and dubious principles; and are besides, invariably of one opinion of a general tenor, but fixed as a parrot, a minah, or an idiot, returns barely a compliant articulation in the affirmative, to every question put: they are, however, fond of advising measures such as turn to certain emolument, which obtrusive advice and proposals require both presence of mind and cool precaution, to guard against: and it is well known, they put no limit to the fraudulent abuse of moral principle, nor to the many arguments they never fail to adduce, to give a colour of plausibility to what they know to be in direct opposition to a proper conduct. But, "we'll try"—they say to each other previously to any proposal in contemplation, "try—and if it succeeds, well and good."

There are means however of gaining truthful information, as well from personal observation of effects and causes, as from individuals well versed in what is relished, as that which is dis-

* Brokers.

† Tutors and writers of the Mahomedan sect.

liked;

liked; and especially from the examination of causes in court, which cannot fail to develope numberless pertinent truths on oath, and otherwise suggestions, to reflect light upon the dullest comprehensions, in relation to the matter contained in these remarks, differing essentially from the tenour of intimations given by native servants, about the person of the man in power; but to which he leans with weighty sway, *too heavy for himself to bear.*

SECTION XII.

THESE REMARKS GENERALLY APPLY TO EXISTING FACTS AND AMELIORATION IN MORAL DUTIES AND ESTABLISHED LAWS.

But if any thing in these remarks should appear to derogate from that specific dignity, and estimated value men put upon themselves as they stand in their relative stations assigned, and the consequent importance deemed requisite they should support; it must be understood generally to apply to existing facts communicated, in the hope and with desire towards effecting some amelioration in those points upon which it treats; and not to particular persons or circumstances, beyond those exemplifications inserted. The points refer to moral duties, such as justice demands; and to matter which would have ere now inflamed the minds of any community in Europe, in a way very different from any thing here, where amelioration without material change forms the primary wish and ultimate object; which,

which, without information would never obtain, nor the dissatisfaction thereby occasioned, be cleared up, to reinstate free social order and good fellowship among the British subjects in India; famous at a former period for genuine hospitality, and the possession of charitable hearts. Such a desirable intercourse, and confidential exchange of friendly uninterrupted sentiment, unimpeachable by the corrupt principle of espoinage, at the hospitable board of the rich, or in the suspected hovel of the poor, we could wish to see re-established, for the happy state and well being of the whole, on principles of candour cherished by philanthropy; and to which end, much might be done by an impassionate consideration of all the hints suggested in these feeble remarks, which, though bold, are honest; and if keen, are only meant to probe the wound in its right place, on behalf of the common welfare of those whom it concerns; the design of which consists in a natural wish to exonerate our actions from undue censure, in the conviction of honourable probity and honest integrity, in a faithful acquittal of professional duties, united with attention to public utility; in the best endeavour to protect virtue against

offending power; and finally, in the hope to drown hatred in the pure element of amity and universal esteem; thenceforth to preserve some few lively sparks of British freedom; from the destructive torrent by which it is now overwhelmed throughout the wide expanse of British India.

SECTION XIII.

THE HARDSHIPS WHICH FALLS UPON THE PLUNDERED.

But to return from that digression, an arbitrary despot would exclaim, " Hold your tongue Sir, your province is not to speak on those subjects apart from your own private concerns!" To which I reply, that I am the subject of a free nation, and hold in equal detestation *Bonaparte* and his arbitrary mandates. It is surely hard that if I labour in the field or in my workshop from day to day, to maintain myself and family, to pay my revenue, and thus obey the laws; that depredation should by any neglect and connivance, rob me once or twice a year, of my brass pots and other utensils conducive to the support of this livelihood, which are, in the proportion to my humble resources, of great value to me: when it is well known, that by a proper management of that police, &c. it could have been prevented. It is likewise hard upon every description of those not in power, and the mili-

tary

tary with arms in their hands, to be continually harassed by nocturnal robbers, which molest their natural rest in tents and in habitations of every description, against whom no defence is equal to secure footing: but by the means before related, of hiring a plural number of that fraternity on monthly wages; a counter-tax which must be paid, or be without personal property. It is known to all that the rigid hand of strong discipline is absolutely required to keep under, and regulate, this all-devouring monster: neither to be subdued, nor diverted from their purpose by easy means. A Magistrate has not the means of effecting that which require active personal exertions and military strength of a kind the most decisive, which should be stationed within reach of their recollection; and why it should not be necessarily employed, must lay at the doors of all the several Magistrates employed, whose interest with the supreme power and jealousy of unlawful emolument, is the fundamental cause of such steps not being taken, as would in a few years put an effectual stop to this most disgraceful practice in malversations. O Virtue, where is thy sting? O Britannia, where is thy probity? For the sake of this trash so shamefully attracted towards thy purse, how canst

canst thou bend with such indifference and without remorse, to this disdainful purpose? Why receive from those unprincipled Derogahs, direct or indirect, the value of a straw or a farthing candle? which bind you in fetters not to perform your impartial duty, in the honest search for that truth upon which alone justice can be decreed. But let us draw a vail over this insinuation, founded upon fact incontestible; and amply sufficient, I trust, to bring forth a reform of an abuse of power in these stations, which degrade the name of Britons.

I do not mean to establish, that without military aid the desired reform could by any effort be accomplished: far from it; the very reverse is the case: it is not to be done: nor could much be effected while any counteraction of jealousy, which defeats all exertion, is fostered, or allowed to have place in any reflection which ap- applies to it. It can only be done by a firm cooperation of the civil with the military, the latter having the active drudgery to perform; in the operation of which, emolument must be struck off the rolls. But no sooner a flock of apes are driven into the thick forest, than the chief applies to have the military withdrawn.

It

It is the easiest thing on earth for any man to perceive every motive of a present from a native of India, if it amounts to beyond a tray of plantains and sugar; a knowledge of the consequences accompany that acceptation, and it may be touched*, but not so hard as to defile the fingers. In the event of an offered present being accepted by a person in some department of responsibility and power to confer favours, it conveys a conceived sanction, to debar the notice of authority as to some mode of accumulating larger sums to repay him who made the present: yet, these presents are always presented under the mask of friendship. Those of high amount are prohibited by Government, with a view to prevent the sad effects proceeding from contumacious spirit and deceitful conduct, of all native officers in that quarter of the world.

Such are the sentiments cherished and principles overlooked, that nothing better than a continuation of determined persecution await those inclined towards a rigid forbearance to

* It is customary to touch an offered present with the fingers of the right hand when it is rejected.

enter

enter into a compliant conduct, by a sort of implied common consent; which in trifles, is not considered as binding; but rather to command on the part of the giver, some respectful notice of a friendly kind; upon which account, the civil branch of the service are authorized to a specific amount, which is a hardship, as being contrary to their will andpleasure: " 'Tis d——d hard, we cannot do as we like!"

SECTION XIV.

FURTHER REMARKS ON THE GOOD DERIVED FROM THE EFFECT AND DESIGN OF REGULATION IN SYSTEM.

On the subject of regulation, to rule the conduct of the people and markets of Asiatics, much more should be said: necessity, the great parent of all rule in system, and its artificial enforcement, has been universal throughout states and trading places in every civilized country, to prevent exaction and monopoly, and to encourage thereby a quick and fair exchange of kind for specie, which we know from experience, as from theory, to be of great importance and of general utility, to render that prompt, free, and reasonable negociation easy, to the satisfaction of the vender and the purchaser, mutually desirous.

In many nations these rules have been thought too severe, in others inadequate to their intended purpose; but to furnish a plea of encouragement

ragement for any practice of monopoly, even in the subordinate order of things, is considered by every statesman as a nullity of a most serious kind; especially when the means of that nullity is avowed. That is the root from which the evil springs, and it is a matter of wonder and surprise, how such a principle can be cherished and supported in a country, where the people are so commonly addicted to it; and which brought forth a decree of the executive *colonial power*, to *prohibit* every species of monopoly; an edict which has never been repealed by any public act. It is besides a common concern, calculated to disturb the peace of any country or town, to the prevention of which, the duty of a magistrate is fixed in every state. The disturbance in this is occasioned by the scarcity and stagnation of commerce, to prevent a body of people possessing themselves with the necessary articles of life and comforts, on fair and reasonable terms; which is a source of cruel oppression to a multitude of individuals whom such a conduct affect.

The commercial laws of Athens, on that score, were so severe as to restrict an individual vender to the purchaser of a certain quantity of

grain, which he could not exceed but on pain of death. And in all states and countries, at all times, regulated limits have been put to the smallest appearance of monopoly, to prohibit enormous prices being exacted to cause distress and famine. These regulations were formed sufficiently comprehensive to reach every commodity and person engaged in the several branches of commerce: like all other regulations formed for the common good, they fixed the standard of right on a due apportion of beneficial enjoyment to each, by that sensible mediocrity to afford a reasonable profit under every consideration of the various circumstances which attach to all the different professions engaged in these concernments, such as must defray on these rational terms of moderation, the requisite compensations for loss of time, labour, and indispensible charges, occasioned thereby in the pursuit of every branch of trade and occupation. This enables all those concerned to procure provisions and other articles of use on moderate terms, from a plentiful market. And landholders whose rentals it might reduce, has yet sufficient to supply all his wants and comforts on these moderate terms, and in a ratio to these rentals.

Local

Local circumstances and changes in the event of things, often will require partial alterations from particular scarcity not to be provided against; when, it becomes the immediate duty of the managers, whose attention it naturally excites, to render the proper amendations wanted. In Bengal the tariff, or list of rates, for land and water carriage, and for provisions and hired labour and wages, were all regulated on the same standard, and revised on the first of every month with care, when all amendations were considered, and prices adjusted, upon communications taken from the best informed among the reputable part of native persons on the spot. But all these salutary proceedings are now absorbed in the trunk of the whale! Water-carriage, and in some parts, land conveyance is regulated; but regulations without penalties to enforce them, might guide inexperience in making a bargain, but cannot bind the parties to the performance of their engagements; and this is an oversight and positive nullity which appears to have been entirely forgotten or mistaken; so that we cannot affirm that they are in any way useful; and the inhabitants of this quarter are keen and alive to seize the grasp, of any latitude given. No race of people on the face

face of the universe require so much the institutes of equitable arrangement as Indians do: none are there any where to be found less inclined, of their own accord, to act upon fair and reasonable principles; nor so much prone to perfidy, deceit, and treachery. Indolent and idle in their natural dispositions, the pain of common labour is avoided by false pretence and artifice, and the most trifling exhortations offend, and urge them to a refractory mischievous conduct. Keen and crafty in all their concerns and dealings, they seize with eager cunning the advantageous grasp to gain by cheat and imposture.

The people who have not the privilege of providing rules to regulate themselves in their intercourse with each other, depend of course upon their Governors to do that which is needful. But it is, I think unfortunate, that it should not be consdered as a duty to listen, with a view to understand what is at any time wanted; and that any one man, in the midst of absurdities, should conceive himself wiser in this particular than 20 or 30 millions of souls in their own country, deprived of many of their own laws, and that respect which the respectable part of Hindostanians would gladly exact on any terms.

SECTION

SECTION XV.

INTRODUCTION OF THE DECENIAL SETTLEMENT, &c.

The introduction of the decenial settlement, laudable in itself, was accompanied with so many abolitions and abrogations of all heads and responsible persons, that for two or three years afterwards, a general massacre was justly apprehended. The abrogation of authority of the Zimindars, Cutwals, Chouderies, and of the Sirdars throughout the provinces, was a sudden and a mighty change, which a faithful native army was to guard against, as well in that as the doctrine of non-coercion, which over-ran the country; and which, added to the want of penalties appropriate, the consequences were truly awful, as have heretofore been slightly recapitulated. In the vicinity and very environs of the great emporium, were continually plundered and often in flames. Corps of native militia without British officers were formed under authority of Magistrates; which turned out as might

might have been expected, an insolent, seditious troop of depredators, who attempted to lay both natives and Europeans under unlawful exactions: they mutinied on pretence of want of pay, and were broke in arms, drawn up to resist.

His Majesty's justices of the peace appointed for the better management of that metropolis, were indefatigably attentive, and some good was in the course of their first exertions effected; but their utmost exertions have been thus far unable to produce a change in manners* of the various component parts, or to bind the several classes to a due performance of their several occupations and engagements with order and regularity; owing principally to a perverse disposition in the character of the people, and the utter contempt with which they trust the ineffectual remedies applied; which make no impression, but rather encourage offenders to a repetition of petty crimes and misdemeanors: but the intention is to observe a *mild* process, which, notwithstanding its tendency to increase the bulk of petty

* Excepting so far as relates to insolent frauds, and petulant defiance of the laws, in which they are surely highly trained.

larceny,

larceny, and non-compliance to necessary restrictions, in common intercourse; it has evidently lessened the number of capital perpetrations, which all petty Courts materially check in their infancy. This will be further noticed hereafter.

SECTION XVI.

ON THE CHIMERA OF NON-COERCION.

In the further prosecution of these remarks, I cannot help recurring again to the chimerical notions the Bengal Magistrates have chosen to disseminate among the people, so palpably and glaringly inconsistent as to be perceptible to thousands of the most reputable natives, as it is to every British subject in India.

The engagements of civilized system consists further, in binding all ranks of people to a due performance of their several agreements, stipulations, and contracts, in these and every transaction among mankind: hence to insist upon fair dealing and to prevent distress and injury attempted or actually committed, is a public concern and duty of Magistrates to perform. Redress can only be obtained by forcible means; the aggressor must be apprehended on the accusation or complaint preferred, or obliged to appear

pear by summons; with which he must comply and submit, or he magnifies the original offence to incur higher penalty; or an accession of force would be sent against resistance, which he understands, and more probably he will on that account comply with the authoritative summons: but if he absconds to avoid coercive power, legally enforced, he still magnifies his own culpability, possibly to the elevation of a capital crime, and force or *coercion*, which alone can command obedience to the laws, will be necessarily increased proportionate with the difficulty of the operation: and force is the same, whether it is clothed in grey or red, in woollen or callico; it must act in obedience to justice; the mode and only difference consisting in specific forms established in nations, which being adopted, must be adhered to. Those therefore, who disseminate among a people the general notion, that civil systems act upon principles of *non-coercion*, intending thereby to impose upon the public, leads them into a snare; to encourage licentious conduct, and multiply the list of causes; to support vice, against the honest disposition; and finally, to teaze and distress British subjects, against whom this conduct is pointed, and ever has operated with great effect.

What the unnatural consequences of such a course must be, I leave to time, the developer of truths, to determine.

That to be determined is, whether or not an absolute breach of contract is punishable here, as in all countries; and what the extent of the award should be; and if it had not better be by fine and imprisonment, rather than corporal infliction; there cannot rest a doubt of the former being in a high sense preferable, in every construction to be put for or against it; and that fine should be given, in certain cases, to recompence the injured party: in the term contract is comprized every act of negociation.

If John right and Dick wrong agree upon the performance of a contract on customary terms before witness, for any given sum; Dick receives his advance of cash in part to enable him to commence upon his contract duty: but if instead of a fair acquittal, a third, fourth, or half, and not the whole, is performed; this work performed is worth nothing. John has lost his money, and he is thrown into distress. Dick presumes upon the nugatory practice of the law, and he stands aloof, and bribes the Nazir of a court to

suspend

suspend all proceedings against him, if necessary. John upon this, applies to a magistrate for redress against Dick; when he is told to his sorrow, that "if Dick shall think fit of his own accord to do it, well and good; but he cannot force him, for he is positively instructed not to use coercion;" which is, and has been the tenour of conduct pursued, since the first institution of British magistrates to be the judge and magistrate of provincial courts.

Whatever be the agreement on terms of lawful principle, individuals make with each other, these constitute the guide to its performance, and one of the main rules of civil polity, which of course, cannot be done away but on terms of mutual consent, in a sacred agreement. The one side cannot lawfully annul the original contract merely of his own will, nor can the laws oblige the other to give up his claim in the said contract, in which he holds a property by law, wherein no real cause can be found for rescinding a contract, the laws in fine cannot act against their own principles. It is as clear as the meridian sun, that laws should exist, and their officers should be compelled to act up to the plenitude of their essence; otherwise, distress and ruin must constant-

ly

ly intervene to relate its grievance, and bring forth partizans; for these may, when the precedent is formed, expect some daily occurrence to reach home to themselves: and no where should maladministration of justice be suffered in practice or effect. The design and practice, are generally culpable, if by that design any one instance is palpable, to which the supreme power, in consideration of its own character and permanent good, should well weigh, and strictly enforce.

What secret instructions these civil officers may hold to guide their conduct in this particular, or how far such instructions may be construed right or wrong, it is impossible here to draw a certain conclusion: many have declared a positive restriction, binding them not to use force in the exercise of their judicial duties; thus "coercive measures are not to be used against native subjects;" hence every vicious rogue and villain is left in full scope to exercise his will in evil design; and self-defence is the only safeguard, which must thereby be often engaged in action, difficulty, distress and danger, in the counteraction of daily pertinacious conduct, disobedience, and in the care of property, &c. and hence follows,

lows, personal hatred, constant strife, and reta-liations, among individuals concerned in a domestic state. A community deprived of their legal protections from insult and injury, and of their domestic happiness thereon depending, it will, when all amendments applied for shall fail; it must I say, from dire necessity, make an exertion to get rid of the corrupt particles with which their daily concerns are surrounded and mixed; slaves only continue in fetters until they can emancipate themselves; and slaves are only held down by the produce of their own labour. Collected supplies, and the mode of its distribution, supports the power in patronage combined, and thus the Spaniards and others can not only enslave the inhabitants of their country, but make them pay severely for their most *obliging* and *brotherly conduct.* Such is the tenour and tendency of all human associations, that no sooner officers of the public are well fixed in office, than their craving abuses commence, and gradually swell up to the size of a monster, and into the shape of a sphinx.

SECTION

SECTION XVII.

THE FATAL CONSEQUENCES OF A NUGATORY PRINCIPLE IN THE ADMINISTRATION OF LAW.

THE great end and desire of every well-disposed individual, is to live well and be happy; a human object of a rational kind deserving every mark of approbation; but which is here cruelly counteracted by that distressing nugatory, degrading purpose, which means nought, or contains ought, for wisdom to applaud.

Servitude in families and all description of hired contract labour, stands in that predicament. Men will hire to serve on Monthly wages, and on terms specific before witness; but he will only perform as far as he likes; and during the days or months he serves, he has often been engaged in contracting with another. So far as his will and caprice bias his inclination to remain or to quit, he will do the one or the other, without ceremony; nor will a soul of them condescend to ask permission of a master to leave his

his service, although he is certain of immediate compliance, often without a reason being assigned or required. Engaged before witness to serve expressly to accompany his master to any part of Hindostan, he serves till preparations have been made, and the day approaches; when on the eve of moving, he either requires two or three months in advance wages, for which he cannot give security, or secretes himself in some corner until the master is out of reach; he then will sally forth to play the same game over again with another: or, he probably steals upon the weakness of his sire to make the advance demanded, and accompanies him some days on his journey to make a sudden turn, skreened by the darkness of the night, in retrograde movement. His cash advanced being secured behind him, excepting the sum total of a nice calculation made, to supply his necessities to a given distance, from which he will return; he glories in the distress thus enabled to bring upon his indulgent master, and rolls in dissipation until the cash in hand is expended; when by the cravings of want, and loss of credit, (which dies with the expenditure of his stock on hand) he issues from the scene of his delirium, and offers again his services to all beholders, with an eye

to fresh plunder, and many intermediate acquisitions; with a pert, arrogant mode of address, fully convinced, that no adequate punishments can reach him: apply to a Magistrate by letter with a description and witness, you are informed, that to force him into terms, or punish him for his absconding from his service, is not compatible with his office !* or in other expressions, amounting to similar significations.

This is not surely consonant to a fair practice of Police laws. A fair warning ought to be given, and a civilized form of quittal prescribed and observed, so as to admit of reasonable time for the patron to supply himself elsewhere, as to provide against the distresses into which such a conduct inevitably involves him.

In all regulated states, three crimes are to this procedure attached, viz. for absconding from service, breach of trust, and designed injury; and for each a separate punishment might be awarded, founded on the common law of England, and the municipal laws of every state. The Mahomedan and Hindoo codes, in confor-

* Query, What are the duties of his office?

mity

mity to which the trial should be made, are most severe: but the natives of this country are some how or other exempt, and put upon the footing of a sovereign of a great empire, who "can do no wrong." But upon what divine law of heavenly creation such a mighty exemption can be granted to miscreants of Hindostan, must lie buried in the maze of obscurity, until that will by which it is ruled, shall think fit to solve this arcana, and free it from the labyrinth in which it remains entangled.

The officers and persons of Courts, as well as those at Tanah posts, or police stations, are much addicted to a criminal habit of exhorting the domestics, and other people in the service of officers, to a refractory, seditious conduct; who have often been detected on the premises in the very act of cajoling them, with a design to breed altercations, and thereby to induce them to a desire of quitting their service. This is a most extraordinary conduct of the evil spirit, which affixed to their general character, is the most malignant recorded of any people. The Magistrates and their assistants have been suspected, but I know but of few instances which led to any presumptive proof: time will, in the

 pro-

probable event of things, make further discoveries; and they will secretly thank me for the timely notice, which forewarns them of consequences to result from neglect at least, in not governing their dependents and servants with any kind of rectitude, for the acts and offences of whom they are responsible and answerable to the laws, in cases to which this refers. We do expect shortly to arrive at that pass when these officers will, in the true style of Caligula and Nero, send guards with litters for the wives of British officers of the army, for themselves or in the character of a pimp for some higher personage, and the whole creation to be thus corrupted. Has there not some faint symptoms lately occurred? Some of the Amatus from the white cliffs, have preferred a change, occasioned by the effect of climate, and the brilliant gem, which dazzles at a distance; but like the tinsel of a puppet-show, is nothing in possession. These have been smitten by the *affection* of Pandora's box. *We hope for the independence of the British supreme judicature in the capital of Bengal:* that branch of our constitutional-semblance, shall be noticed at some future period of the Pilgrim's Progress.

SECTION XVIII.

DESIGN OF THESE REMARKS—NATURE OF SERVITUDE, &c.

It is not, as has been observed, in the plan of this examination, to dive into physical researches, merely to prove what exists in practice. If these connects with moral institutions, I leave to Roussean, Montesquie, Blackstone, and a Burke, to solve the analogy and dependence upon each other.

The two ingredients in that allusion to concur in counteracting the desires of each other, are power and will; when they are absorbed in one sole agency, they in union too aptly coincide to indulge gratifications of a private nature destructive to the public good: constant repetitions of which bring forth the common will against power thus abused; in the discussion of which, the fiery quality of proud spirited wants is kindled, to consume the will

will of others, and get it under as fast as possible; or it sets the whole in a blaze.

In estimating the nature of public servitude, it may be considered in the relation servants bear to their employers, and as the whole bears to the public service of their country, that the superiors arrogate to themselves too aptly, a greater share of authority than regulated system confers, or from necessity it can be deemed useful to the state which employs the whole. The patronage attaching to these superior offices is the occasion of it, and the interested views of individuals render its support: which support, joined with flattering manners, is the universal cause of this supererogation, thence intended, that all those transient changes which must take place in the routine of arrangement, shall be so managed as to confer partial favour; and by virtue of the attractive force of that patronage, thereby command the sentiments on terms conditional of those to whom the transitory favour is applied, and those of others by force. This is extremely *natural*, to bind the passive approbation of partizans; and it is a desire of human nature throughout the species; but wisdom often revolts at excess in this application, from its

its reflections upon the bent and bane of all excess. But with others, who set no bounds to the desire of inordinate command, or the black art of fulsome flattery, *will* treat an opposite opinion with scornful disdain, and persecute the author with unreserved asperity: a disposition of an ungenerous kind, to bring upon itself disgustful aspersions, and the contempt of all surrounding men, placed within the reach of its contumacious grasp.

It is therefore a consequence drawn from natural inference, that those who affirm the right of particular exemption of the one part, and deny the claim of justice on the other, prove in the eyes of the world, and domain of common sense, that it acquires no better appellation than the whimsical confused notions, arrogated overbearing hauteur, so hurtful to that true dignity which should attach to the respectful stations they hold, and to the character of an honest administration of justice, in the relation their functions bear to it. They probably mean to infer, that human nature is averse to every kind of restraint: true—but reason, and our instinctive perceptions, derived from that very nature, hath taught mankind to restrain themselves, while they

they endeavour to bind others, to a fair mode of action. Hence the origin of all human institutions; hence the formation of social order and progress of improvement, gradually arising from the observance of the necessity, to counteract and provide against the bloody scenes of constant warfare in fighting for possession, and occupancy: and it can hardly be thought necessary here to repeat, that without regulated system in the order of human society, no common protection nor comfort can long be enjoyed, by those peaceably inclined, and honestly disposed of the human species.

Nature has strongly implanted in the human species a desire to indulge those propensities which envy creates, and those wishes which urge to enjoy many things possessed by others: which though by no means universal, is very common, in a great majority of mankind: propensities which with numbers bear down even the force of laws. What are supposed to be the consequences where encouragement is absolutely inferred by officers placed to rectify these errors arising, and to correct offences actually proceeding from a dereliction to rules, moral and divine. In other words, what are we to

say

say of Magistrates, who coincide in, and give encouragement to those irregularities, which virtue, reason, and their duties forbid? In what terms shall sufferance plead against this awful privation? No absolute necessity can authorize it, no reason can support it. Industry must pursue its professional means; mankind require to be supplied with their indispensible wants, on proper terms of social dealing; or the whole order of rational management in human societies become disordered and confused, from this unworthy purpose. Here moral principles are corrupted, and every good inverted, into a complicated chaos of irregular mixture not easy to be comprehended; and the temple of Justice then converted into the court of Pluto. Protection for common reputation must rest upon the opinions of respectable men attached to subordinate societies in the various professions, in contradistinction to the corrupt manners and proceedings of Courts: Yet, all human wisdom can perceive how necessarily and naturally they should coincide; and which indeed are only separated by the depraved art of man, in pursuit of gain, power, and titles, beyond what is really necessary.

SECTION XIX.

IT IS AN IMPLIED DUTY IN EVERY BRITISH SUBJECT TO COMMUNICATE HIS OPINIONS UPON WHAT EXISTS—BY A DUE SUBMISSION TO MILITARY LAWS OF SUBORDINATION, WE DO NOT RELINQUISH CIVIL RIGHTS.

THIS simple examination will serve to shew, that our rules of guidance here, are not formed with any affinity to the principles and tenets of our parental constitution. To every thing we can appeal, it is diametrically the opposite. The operation of the one evince a fair, open, and candid order of procedure. The other quashes the exercise and discussion of justice; and rushes through every barrier of restriction regulated rules confer, by the force of secret proceedings, indirect influence, trick, and finesse.

To fulfil our duties to that society of which we are members, we can only endeavour for the best, by acting our own parts to the best of our judgment,

judgment, and by remarking upon, to explain the most prominent features and defects of those things generally felt as painful; whether they proceed from measures adopted, perverted laws, or from their abrogation, occasioned by any delusive doctrine, such as non-coercion, severe restrictions of the press, inordinate influence exercised, or from dubious points arising from general terms used, or from any counteraction, to interrupt the natural flow of the chrystal streams of justice; or from whatsoever cause, or combination of causes, it is an implied duty of all those who do feel and can perceive consequences, to devote a portion of their time to the fair and moderate elucidations in a style of easy freedom, apart from prejudice and spirit of party; to convince the imperious flights of arbitrary obstinacy, merely, that because we are Britons, it follows, we shall not be slaves;" but insist upon a treatment consonant with the spirit of laws, and especially those of our own constitution.

By a due submission to the local military code, and rules of subordination, British officers, it has been observed, do not relinquish their inherited rights. No deputed powers with which

local governors are invested, can supersede the sovereign legislative right, to authorize in cavalier commission, of wanton insult, injury, and injustice, whether by direct or indirect channels; nor should they indulge the thought that any wanton attempt to disgrace an individual, can do otherwise than defeat its own malignant design. Dreadful indeed were our places, situated at this distance from the senate of the empire and the seat of justice, should such be supported, and no appeal allowed, but at the risque of pending ruin, and the annihilation of all future comfort. Every man but him who is a traitor to his country, should find his case easy, free, and firm, in the execution of all professional duties under the impartial operation of justice, to produce the measures of that good universally expected.

But these circumstances of a mortifying kind are augmented to an alarming height when we observe, that many young men, and some boys, fill a majority of the civil situations throughout these extensive provinces; whose juvenile passions, inflamed by this unnatural and untimely exaltation, are prepared for every extreme, and ripened only in every species of corrupt purpose;

the

the oblique and mysterial hint from an unprincipled Governor, would drive a sprout of this age, to an excess in mischief. That cool reflection resulting from age and experience, cannot there be yet found, nor expected. The wild career let loose ere yet it has performed its noviciate, upon the bending mass of venal Indians, reigns unbridled in the shade of swelling power unchecked, undefined, unlimited. The opposite qualities, right and wrong, are confusedly mixed, and fall to the cast of a die. All that grace and virtue which accompanied them from school, evaporates in the element where they are employed; and the impulse proceeding from the hey-day of youthful passions, more than reason, guide and rule decrees. To suborn evidence in the entangled difficulty, hath proved an *upright conduct* in those sons of fortune; as in the case of Mr. A—— against Mr. B—— an old and respectful civil servant employed at Futty-Ghur.

Situated as we are here, every man will emphatically exclaim, that military law is a thousand fold more to be admired than a system of ungoverned will. Military law is restricted to very honourable impartial points of equity in judgment,

of a majority of honourable men, ruled and guided by the matter before them exclusively; and those articles upon which they act: and surely are very superior in every consideration to the will of *one* person, who can decide by edict or influence, against which, any precaution taken by the fox or the lamb to ward off the pending blow, the greater is the vigilance of the serpent; whose attractive qualities keep closely twisted around the manly efforts of the spirited man, until the prey is devoured.

In military tribunals, as in civil juries, two thirds of the members convened can be challenged by the prisoner, and must be exchanged; but notwithstanding the regularity conspicuous in their view to a fair order of trial, these courts *in toto* have been severally reprimanded publicly by the Governor General, and Commander in Chief; thus taking upon themselves to assume power which is not only unlawful in itself, but it has been usually followed up by their taking further the law into their own hands, by which means they have evinced determined temerity in punishing by their own haughty contumacy, commissioned individuals, and others not employed in the service of their country.

SECTION

SECTION XX.

SECRET CORRESPONDECE.

I could wish with all my heart that the secret proceedings carried on, *excepting as it might relate to our external enemies*, should be made to yield to an open, fair, and candid system of management. With men of common probity it never can be rendered truly useful, but is a source of constant pain and dislike, calculated to wound the feelings of the robust Britons. It forms a nest of foul suspicions, and a harbour for rankling jealousy; distrust, and want of confidence is the common result. Why not the public reports from all quarters suffice? why disallow a free circulation of every thing that is going on, whether it concerns individual welfare, or the welfare of the state, to strengthen the minds of men, and give zest to happy enjoyment? while it serves in the same ratio, to produce an inexhaustible fountain of strong grounded information for the ocean of supplies, far beyond any thing which secret channels, guarded and contracted,

contracted, can pretend to? And here is done away that unpleasant reflection which attaches to a disapproved method, that restrains the flowing style of a copious pen, and silences useful remark; information becomes barren, their minds soured and sterile, to weaken that power which require augmented strength, to govern the wide extended domain.

If our own subjects are to forego all the penalty of persecution and privation for liberal opinions, or any opinions, freely given; the hardship is great, and the relationship is degrading. No mere opinion can be made a crime, action alone constitutes the criminal procedure. The opinions of men in general, are too loose to deserve a serious notice; and they waver like the undulating vapor suspended in the atmosphere, attracted by the sun-beams of fancy in various directions. To the point of justice we should be steady, firm, and irrefragable, because our happiness through life depends on its constant observance; and the farther we recede from that divine principle, the more do we increase our difficulties, our pain, and sufferance. To all things, and to every situation this maxim equally applies; and as well to our own inward reflections,

tions, as to those sufferings injustice bring upon us from others. Governors deputed to administer public affairs over colonial possessions, should recite in their minds this maxim, as often as they rise, to exercise the functions of their office. Things have been done of a tenour such as ought in the support of justice, to have arraigned at the bar of the senate, those to whom this allusion faintly applies.

Notwithstanding that duration and permanency must be a natural wish to form the ultimatum of a ruling power, whether it regards domestic or colonial possessions; it appears plain and evident, that present gain, and the mode of its accumulation, form the present and past characteristic of management in every relation which applies to the plan of policy pursued, in British India. Nor is it less certain in the judgement of all discerning men, that cavalier irregular treatment of Britons in India, which hath improvidently stamped its rigorous impression, is founded on a mistaken policy, and a false estimation of those who, under every fair consideration and consistent conclusion to be drawn, as well on the score of liberal allowance, as that respectful treatment a weighty

body of honorable men would naturally command in any country; and surely, more particularly so in this, which is entirely suspended upon its daily efforts and continual exertion. Yet, notwithstanding all that, the ministry have spared no pains to alienate their attachment and affections from the parental state; their study hath been indefatigably and uniformly employed to cut off their filial affections; to which affections they are more indebted than to their own policy: and, for any temporary deputed head over these natural attachments to turn it into a principle of fear, or to construe a desire of fair and steady treatment into any sort of disaffection, is not to be approved as generous in its principle, or design. But we shall hope for the best, in the speedy dissipation of a cloud impregnated with foulest particles of contagion, to affect and carry disease among the human species.

SECTION XXI.

ARBITRARY CONDUCT OVER THE PRESS, &c.

At present these incongruous repressions of absolute powers exercised, strike home to the feelings of every Briton residing within the limits of British India: to which is added a rigorous hand over the Press in the pay of G———t; yet under the jurisdiction of a branch of our British constitution, which conceive it proper, not to interfere. No publication of any kind is allowed, but what hath already been approved at the Government House, in perfect order and concordance with the present French and Spanish methods.

If the Press be yet considered as the palladium of British liberty derived from the power of that divine gift, which dropped upon the Albion cliffs for individual defence, and the necessary discussion of those things by which liberty is secured in a great measure to the whole body of the state collectively, and thence indi-

vidually: it cannot admit of a wonder that we here lament the sacred loss, and contemn the hand that snatched it from us. There is however a certain measure of good that attach to all things, which any extreme effectually defeats; especially in this, the intention of which is, to promulgate truth, not to disseminate crude matter; and the judgement of writers must be guided by a correct sense of the impressions to be inculcated; which depends so much on the justice of impartial sentiment, and in the moderation conspicuous in their communications, that no unreasonable bias should appear. I do not know that in the relation of facts, any partial article will here appear, for a writer is not the best judge of the affect to be conferred on the minds of others; but it is not the intention to say more than what might be conceived indispensibly proper for perspicuity, and candour in rendering that information contained in this simple sketch.

In treating slightly upon the different subjects as they stand by a mere external progressive order of arrangement, it will strike some with an idea of the want of method, which appears to me unnecessary in the present allusion: as it might

might be thought too formal and fastidious by many of the first attainments. These, after having passed through a long course of formal exercise, in the classic order of scholastic education, often wish to have the mind relieved by a more easy method of useful communication, in which simplicity can be consulted, on terms of less restriction: abstruse refinement makes no appeal to nature, and the great divine Disposer of all worldly things is forgotten, or neglected; depravity becomes prevalent, equity is imperiously passed over, and all the solid maxims of moral good in justice, trampled under foot. I am therefore willing to hope and flatter myself, that any apparent defect in the point of arrangement will be excused, if not preferred by many whose desire is, to derive information as to the conduct of those who hold the reins of orient administration in British India.

But if we return again to the extreme which follow the restriction of power upon the Press, as question occurs, What good can result from a padlock being put upon the Press, and the key kept in the Secretary's office? what advantages can be derived therefrom? Are the robust constitutions of Britons to be levelled to the pitch of phlegmatic Bengallies? are they doomed to relin-

relinquish that which is honored and prized so much in the constitution of Englishmen, because, and by reason of, our distance from the seat of Parliament? Shall the cavalier bickerings of a Despot, or a Turkish Bashaw of three tails, be here imitated by British provincial Magistrates? God forbid! it should be so intended, or that any powers on earth should contribute to the fatal dereliction of a treasure, such as common freedom confers, as by law established; admitting of candid opinions, and discussions upon every topic which so dearly concern ourselves; and by which alone oppression can be resisted, and impartial decrees obtained. A dread of public censure bind more effectually the Magistrate to an honorable acquittal of his duty, than any other consideration on earth; but it is not inferred hence, that spurious and scurrilous publications should be suffered. I hold a scurrilous calumny to be in its nature and effect, as unpardonable as it is cruel; equally so indeed, as it is of the Secretary, who keeps the key after having shut out all the subjects of a state, excepting the servile locum tenens employed to flatter in falsified illustrations, sophistic adorations, and laboured crudities; hammered out in a struggle with the heart's natural dictates, contrary to existing truths, and their own sentiments.

SECTION

SECTION XXII.

A FUNDAMENTAL MAXIM OF BRITISH LAW.

THAT no person shall be punished without real cause, is a leading maxim of the British lawful right, and this fundamental tenet should reach every Member of the community was, and is the intention. If lessons from ancient record be insufficient, modern proofs might well avail. It is not an insignificant weakness, nor a stubborn opposite principle, which in either extreme can well be adapted to suit the happy mediocrity desirable, to render general satisfaction. But it is clear, that whenever the executive officers have here attempted with heart in hand, to confer that general satisfaction, it hath been crowned with success, and the happiest consequences; which exemplifies, as proof positive, that whatever discord hath at any time intervened to overpower this unison, it originated in D——g-S——t, or ———

It

It should be, I repeat, that "sensible medi-ocrity" in justice to all, I would impress on the minds of all as a durable virtue which without default should be pursued close, and closely ad-hered to, with circumspection and heart-felt pleasure, in every department of this administra-tion, in which no party should have a prefer-ence; a conduct that cannot fail when constant-ly acted up to, in conformity to regulations, usage, established custom and laws, to transfer a sweet enjoyment of perennial felicity, to all descriptions of people up to time infinitum. As the strongest inducements to the prosecution of such a salutary and praise-worthy conduct in the administration, it confers admiration and honor-able distinctions, as durable as the adamant. Whereas, all the falsified purpose comprised in deceitful artifice, arising from venal causes, are not only dishonorable where justice between man and man is concerned; but deemed heinous in the estimation of every reputable mind breathing; to cause universal murmur, detesta-tion, and discontent; and those who promul-gate a tolerable impression of causes of distress and detestation occasioned, furnish us with better lessons to avoid the snare with greater precaution, and more determined hatred. We

may

may not be the richer on this account, but poverty is a crime only when it is the result of idleness, or that sort of conduct to disgrace the laws of the realm.

How often hath the voice of wisdom set before our view in clearest lights, the fatality of all extremes in thought and act? How often has it drawn the certain conclusion that result from a tendency in our nature to abuse restricted power; but like the pain of labour, it will suffer and suffer again, to indulge a ruling passion; and there are to be found on record in the character of deputed chieftains in high official power; whose tenour of action rather confers the idea of their having taken a contract of regal office for life, settled upon their legitimate male issue for ever; who hesitate not to carry abuse to the highest extreme, and to assume all the majesty of regal despotic sway in the exercise of absolute measures and pageantry of state; who possess not command in judgment sufficient to rule the lurking combination of vanity, ambition, and vindictive spirit; nor who have recollection and reflection enough to remind themselves, of their being only the local and temporary public officers in chief, delegated for a limited period,

 to

to administer impartially the laws of a colonial domain, dependent themselves on those of the empire, and amenable and liable to account for all transgressions and injuries conferred and enforced to the great detriment, hurt, or ruin of individuals; for every case wherein he shall have dared to take the law into his own hands*.

REGULATIONS PROPOSED.

WITH a view to provide in a small degree against abuses, and to clip the wings of towering caprice in its extreme flights, I would humbly propose,

1. That the supreme Governor-General of of India, be invested with absolute authority only, in what relates to the furnishing provisional supplies, stores, and ammunition, of military equipment, applicable to an army in the field on actual service.

2. That in regard to the declaration of war, and the ratification of peace, a majority in council should decide, and every other measure, without exception, be so determined.

* The laws of England will inform him, that he is a subject, and not a king.

3. I would further propose, that a Lieutenant-General be added to the staff of each presidency of Bengal, Madras, and Bombay, who, together with the commander in chief united thereto, should each have a seat and vote in their respective colonial councils; and that one of them at least, should be always present, to assist in military councils, and in the general measures of the government.

4. I would humbly propose that the second member of the board of revenue, and of the board of trade, each have a seat and vote in council; but that no extra allowance on that account be given, but as vacancies occur, and that three members be sent from England, selected from the House of Commons and Court of Directors, to sit in the council of Fort William.

5. I would double the Major-Generals on the staff at each presidency, and facilitate promotion, rather than retard preferment of officers in the armies of these remote and opulent possessions.

6. If the provincial jurisprudence is to remain in the administration of British Magistrates, I would propose to divide the largest districts, and increase as far as one to each jurisdiction, on reduced allowances, down to sicca rupees, 1,500 per mensim; and put the whole on that footing. That their powers should be circumscribed and confined entirely and exclusively to the exercise of their functions in court. That every idea of military command of any kind or description whatever, should be relinquished; as being pregnant with evils of a serious nature; which should be restricted to the part of requiring military services from the nearest commanding officer in each vicinity, in case of disturbance, to quell mobs, riots, and repel depredators, within the limits of each jurisdiction.

7. I would remove every Magistrate from the cantonments of military stations, and place respective courts as near to the center of each jurisdiction as possible; leaving the management of suttlers, camp-followers, and settlers within cantonment limits, to military jurisdiction, as heretofore in India, and in every nation throughout the universe: when no blame could attach

to

to civil officers from confusion, scarcity of supplies, and consequent enhanced rates.

8. In respect to those supplies required by troops on their march, Magistrates and collectors conjointly, and by order of the former, should furnish every requisite needful, and consistently required by battalions or detachments, under prescribed rules; on terms as near as possible agreeing with the rates of the nearest market to the place of encampment.

9. All preferment in the civil and military branches of the service should go in their regular lines, by seniority, upon a general principle of justice, unless where particular reasons cause exemption. All appointments out of the line, as at present.

10. No officers in the civil or military service in India, should be removed from any situation of trust or command as a *punishment*, but on clear proof and real cause of criminality established, by the investigation, and determination, of a General Court Martial, if a Military Officer; or by a Council of twelve Members, if a covenanted Officer; which twelve civil officers so deputed

deputed and appointed for investigation and determination on the spot, should be equal, or superior in rank, to the accused.

11. All Military Corps commanded and disciplined by British Officers, should be on the footing of regulars, in principle and effect; with which no civil officer should interfere, but at the risk of his motives for so doing, being investigated by a deputed council on the spot. Nor should a military officer interfere with a civil cutchery for similar reasons at his peril, and risque of trial upon his motives by a General Court Martial.

12. The judge and Magistrate of a province being an officer of high trust and controul, he is placed above that proper medium which is adapted to that useful management of interior Police, which in India might contribute so essentially to comfortable existence and security of community, and which in every instance has hitherto been materially evinced; I would, therefore, respectfully recommend the Police establishments being put on the footing it was in the reigns of Shah Jahan and Acbar, and that it may revert to former principles; and be

com-

committed to the charge of military officers, one to each province, under a reasonable controul of the Magistrates; as notified in the following articles submitted for consideration to those who have served in Bengal or elsewhere in the East Indies. They were handed to me by a gentleman of close conversation, and they fully accord with my own wishes. Their intention is to lighten the burthen which too heavily *press* upon each, the provincial Magistrates: and to afford, as all petty courts do, a salutary check to the buddings of that licentious conduct in those it is to reach, as well for their own ultimate good, as to provide as far as possible for the protection of happy enjoyment of the Domestic State, under the meridian of India.

THE SUBORDINATE REGULATIONS.

1. That a general register-office be established at or near the Presidency, patronized by the Government; and that subordinate offices be likewise establised for that purpose at every station and post civil and military, throughout the Honorable Company's Indian possessions, to correspond,

correspond, transmit reports, and to receive orders of the Supreme Power.

2. That this correspondence shall be direct from the superior Office to the Secretary to the Government, and office of general record.

3. That every inhabitant as well as vagabonds, shall be entered in the register-office, at each of the police posts and stations; describing the persons' names, casts, occupations, places of abode, with any additional remarks considered as useful.

4. That a Cutchery be established at each post and station, civil and military, to examine into the nature of the petty crimes, invested with the power to impose and punish by fines proportioned to the magnitude of each petty offence proved before them; not exceeding the amount of one hundred rupees.

5. That the Cutwal, a head Chawdery, and a Munchee be employed in this office of Register, and in the investigation of all petty crimes and misdemeanors upon oath. And that a Provost Serjeant be appointed to superintend, to interpret

interpret and register all proceedings upon an allowance made for the performance of that duty.

6. That glaring impositions, frauds, embezzlement, and palpable bad conduct, shall be liable to investigation, and penalty of fine, and imprisonment: the shortest term of imprisonment to be three months for the first offence; for the second double; for the third treble; and on the fourth repetition of offences committed, the malefactor to be turned over to the Zilla Court, in order to be tried at the next court of circuit for a capital crime.

7. Fines to be double of the estimated value of the stolen property, and such further correction as shall appear necessary, and equitable, to the cutchery.

8. That with regard to all the petty convictions in this cutchery, the Magistrates and Commanding Officers at their respective posts, shall confirm and enforce, but not pardon nor mitigate, nor further interfere with its duties: unless by representation to a higher power; when the cause of reference will be enquired into by a deputation of not less than three members,

ordered by the authority of Government, whether at a civil or military station, or post.

9. That all complaints of every description be enquired into by this Cutchery; and when they shall be found of a magnitude rising beyond their powers, they will in that case transfer the matter to the nearest provincial Court, with accusations.

10. A House of Correction shall be erected at at each civil and principal military station, and that all fines levied, shall be appropriated to the maintenance of this institution.

11. That every person in the House of Correction shall be employed for the time being, in that kind of occupation to which he or she had been accustomed, as practicable; but, at all events, to be employed in labour.

12. That all officers, civil and military, European and native, at all stations, Chockees, Tanahs, and watch-posts, shall be strictly enjoined at their peril, to act, aid, and assist, in support of the authority given, appertaining to the general police, in apprehending, informing, and

and safe custody of the offenders seized by the purwanahs issued for that purpose.

13. When the application is made on complaint at a military station to a military commandant, made out by the Cutchery, signed by him, and the offender is not found within the limits of a camp or cantonments; the purwanah is to be given to the nearest Police Chockey, and a copy transmitted to the nearest magistrate, with a request, that he will issue his own purwanah to every police division within his province, where, if not to be found, a similar process and application will be made to the other magistrates of provinces, who will pursue a like conduct on the part of general police.

14. When a malefactor is seized, the cost of the subsistence shall be defrayed from the day of his apprehension, up to the time of his being lodged in jail, by the plaintiff, if able to pay the costs.

15. That all extra expences to support the maintenance of this establishment, shall be defrayed by an assessment generally, upon the province in which they are placed, to be ma-

naged and collected by the collector, or revenue officer, ordered and empowered, by the supreme authority.

16. Every malefactor shall be tried at the cutchery nearest to the spot where the offence was committed, so soon as the witnesses can attend.

17. An allowance to be made to the Cutwal, head Chowdery, and Munchee, to register proceedings, and for devoting their time to the Cutchery duties, would reasonably be 30 rupees each, with an establishment of 10 peons attached to each Cutchery, upon the usual monthly pay of five rupees to each. To the provost serjeant likewise, 30 rupees, over and above, and exclusive of his usual authorized pay and batta.

18. A mud wall, one hundred yards square, with four ranges of sheds, eighty yards in length by six in breadth, mud pillars, and tiled roofs; would be a cheap and convenient house of correction. The strength of these walls should be six feet at bottom, and four at top, covered with

a cape of tiles all round; to prevent the rain from washing them down.

19. The taking of bribes, direct or indirect, should be prohibited; because, these are never offered but by the criminal conscious, or when one party suspects the other has given or promised the secret fee.

20. All servants engaged in service, shall be considered by the law, as having engaged for three months, and that one month's fair warning shall be given of his intention to quit, and when: by which moral observance of this civilized rule he will be entitled to the full sum of his wages, up to the day, by law; but not otherwise.

21. He who robs his master, and absconds, shall be turned over to the provincial Magistrate, to stand his trial for felony, before the next court of circuit.

22. That a superintending officer general of police be nominated for the Honourable Company's domain in Bengal, Madras, and Bombay separately, in relation to these presidencies; whose duty it will be to receive reports from every

every register cutchery placed throughout the domain attached to each. He will examine and arrange these reports for the direct and immediate notice of the secretary to the government, upon which he will receive and transmit instructions, as shall be deemed requisite and applicable to the end of the institution formed by the government.

23. That when the police of the interior of a province are put under the superintendance of British military officers, one to each district, each of these officers will make a report of every division of Tanah station, and of every occurrence worthy of notice, once in the course of each month; and the magistrate's general controul shall not impede, nor interfere, nor obstruct, by any means direct or indirect, the proper information being reported as a duty; the superintending officer being amenable to reasonable controul of a general kind to the magistrate. Nor could it be considered necessary for the magistrates to give orders through him to the Derogahs or Tanadars, unless they chose so to do; but the magistrate will direct every Derogah and Jamadar to make their fouzdary reports to him the military officer, and redress

complaints

complaints against these native police officers as often as preferred on just grounds.

24. For the execution of duties which naturally attach eventually to the premised and proposed superintending officer, with greater facility, he will be authorised to visit any Tanah post as often as conceived proper for the preservation of perfect tranquillity in their respective provinces. The magistrates will communicate with each other, so will the superintending officers employed, to render information and co-operation fair and clear, and as free as possible from one district to another; but to collect the police people into a body with a view to repel other bodies, it would be proper to apprize the magistrate previously; without whose authority, riots and predatory parties cannot be proceeded against, if no special instructions are held; but it would be easy for the different magistrates of provinces at a distance, to give special instructions, dedicating a portion of their powers and authority, such as would appear requisite for the inferior management, and good of public tranquillity.

25. Any officer of police, or cutchery, who shall

shall be detected, or fairly accused of impeding or interrupting, direct or indirect, the salutary and legal duties of police, shall on conviction thereof, be liable to penalty and forfeiture, according as adjudged by the supreme court of judicature in Calcutta, Madras, or in the Mayor's Court at Bombay, as they relate to their respective presidencies.

26. If in each province a similar rule is observed, and the several Derogahs and Tanadars obliged to register every male adult, here considered to be fixed at the age of 15 years; a pretty correct enumeration would soon fall into the general office of police, for the information of the government.

SECTION

SECTION XXIII.

CAUSES ADDUCED FOR A DUE RESPECT OR DISLIKE OF LAWS IN PRACTICE.

That universal respect mankind pay to good laws, result and proceeds from the exemplary certainty of their impartial and honest administration, by which the artful knave cannot gain an undue point against the rightful cause, by quibble, bribe, or upon any account of false illustration. This once known by examples, a respectful submission to the common security in right, is diffused throughout the land, and judges and magistrates alike are revered with deference. On the other hand, where the heads of departments of the law, in the exercise of jurisprudence, are considered as corrupt, their confidence diminish in a certain ratio to the dubious principles on which they have to depend; and such a knowledge generally impressed on the minds of community, holds out impunity to the rascally part of creation, tending to generate a

multitude of evils in a very short space of time. Underhand means ingratiate criminal offenders to the prejudice of upright conduct, to suffer by false insinuation. All corrupt purpose is applied to the passions, and not to the judgment of reasonable men. Those who accept of secret favours are expected to walk for ever after in the particular path pointed out by those who have something to accomplish not generally admissible; and thus they are to support every proposition, every measure, every opinion, and every act, however inimical to their own sense of right, and the welfare of others: thus it is, that a corroding preponderancy is effected and carried on, to the utter ruin of morals and of states; and thus reason and truth, which always appeal to duration, and lasting good in system, is relinquished for the transitory and transient sway of a depraved principle; which looks only to some immediate gratification to gain, or the support of inordinate ambition. Hence ariseth persecutions against individuals, who in the bold spirit of independence, shall support the fair cause, by arguments and opinions drawn upon the sound basis of equity in justice, consonant with established usage, and regulation, that form the laws.

In

In a mature consideration of these remarks, misconstruction must not carry a bias to mislead the enlightened reader and his friends. The design is, to allow to the native down to the lowest class, every consistent privilege connected with a fair judgment of reasonable mediocrity and that moderation, which well-regulated system honestly confers; but to restrain by that means, that vice which is allowed to operate so forcibly upon peaceable virtue, occasioned principally by the undefined doctrine of non-coercion, and that natural tendency which with unbounded latitude can skreen the artful incongruity in almost every act of improper behaviour, passed over in sullen silence from necessity or fear.

The ancient laws of Rome registered every male subject capable of bearing arms, an honor to which their slaves were not admitted. All European settlers and all British servants of the nation are enrolled; can it then be thought derogatory to the native Indians, who are our colonial subjects, to be so registered? Surely not, the act and the intention is equally praise-worthy, which will, by a faithful management tend to divide the well-disposed from the vicious in-

 truder,

truder, and allow to honest worth, its merited province. For when the former is put on a footing, or preferred to the latter, the licentious partizans gain a daily accession of strength by such inducements, gradually to increase, up to a general perversion of the whole; and the result is universal inundation of ungoverned will, to be repressed only by superior agency; after which it will flow again the faster for not being duly restrained within its proper course. The embankments of Batavia and the Ganges require support and annual repairs, or the periodical redundancy natural to that element, destroys the crops, and materially injure the industrious cultivator of the land. Thus it is, that vice overflows virtue without reflection or remorse; and hence the cause of barriers raised against it, which barriers are the rational opinions and acts of good men, arranged into system, for their common defence, and general good. But if Magistrates are suffered to cut away in part these embankments, the intended and expected good is thereby defeated, and they do a real injury to the reputable and industrious, who labour in this common field of self-defence. Under circumstances so cruel and distressing, how must they contemn the hand that can so defeat

defeat their laudable purpose? What award is due to such immoral conduct, if found to bias the Judge or the Magistrate?

N. B. It is to be recollected that we are here put under absolute power. The common law of England, founded on reason urged by necessity, hath stood the test of time, to repel the attacks of fluctuating innovation. So will the ancient codes of Hindoo and Mahomedan produce revive again, and gather fresh strength and vigour in their own climate from the dying embers almost extinguished by showers of English maxims continually poured upon them, in the local branches of their practice; which too aptly turn that latitude given in the surreptitious notions of non-coercion, into a current of proceeding which suits present convenience of subordinate parties, and leads to the making a job of that which is the most sacred of human action towards fellow-creatures; an action derived from the heavenly dispensation of nature.

"The British Parliament vigorously opposed the abuse of clerical management in Britain, supported by the people," and it would with foresight and forcible argument, oppose abusive connivance

connivance and corrupt proceedings, which tend to render the lives of British subjects in India miserable, could a free communication of sentiments undismayed, reach them. But here an insurmountable barrier, to check the natural stream of genuine iutelligence, interposes its thorny front, and bids defiance to that right derived from nature; that is, to think, speak, and communicate in all those things which concern ourselves; relative to which, due limits is put by the judgment of municipal law; and besides which, nature itself feels compunction, during the while that asperity pours forth its scurrilous abuse, and remorse afterwards; to prove, that this law agrees with nature, it is the extreme alone, that is unlawful.

If therefore we are forbid to write and speak on the laws and political concerns of colonies or states, such a forbiddançe is a positive nullity, as being repugnant to the laws of nature, and those of the British jurisprudence throughout; and therefore, cannot be enforced.

SECTION

SECTION XXIV.

ON THE RULE OF PRECEDENTS.

Adverting to the rule of precedents commented upon by an anonymous author, who writes with an able pen on the revenue affairs; it is evident to all that they cannot, without danger, distress, and inconvenience, be forsaken, nor relinquished; as they accord with habits and manners of the people, country, and climates, in the same country; so indispensibly necessary indeed, that a French usurper, with all his power in arms, in the hey-day of overflowing success, added to the long string of specious pretexts to afford better fare, will never be able to overturn the prepossessions held in favour of precedents; he must conform, or give up every acquisition the delirium hath acquired, to satiate the desire of change. The Grecians and the Romans, in the exercise of power over Asiatic provinces, hesitated not to conform to that which would have been a difficult task to bear down, and trample upon; by the introduction

tion of their own parental maxims of polity, without an amendment, without a reasonable plea, on which to found notions fabricated, from those habits in which they were themselves bred. Were you to attempt a novel and inconsistent refinement of the municipal laws of Yorkshire, and of Kent only, so as to cause a material change in the mode of their administration, even while the universal object of rendering justice might be the same; it would bring forth great grievance and discontent, to an extent which might seriously affect the ruling powers of the nation. To carry conviction in the minds of well-informed men, few instances need be related, they are themselves already informed; and with them it is only requisite to recur to those facts which exist apart from their personal observation, with a view to point out the cause and effect in their local matters, to which they refer.

These precedents, which apply to the manners and customs, which form the habits of a people in every country; and that imperious necessity which form upon their growth in practice, the indispensible laws for common convenience, suited to climate and action, should never

never be changed entirely; no material commutation should be allowed at any time to take place. In the advancement of arts and science, trivial additions may be found necessary; but that is something grafted upon the old stem, to amend the quality of fruit, in the course of improving culture; when, to root up a valuable tree would be attended with immediate loss, long privation, and palpable inconvenience, until the sapling could be matured, and brought to equal perfection. On these grounds I conceive the institution of a general police on the sacred principle of rigid justice and precedent, would in India be valuable beyond computation, on the part of the well-disposed throughout all the arteries and veins of these extensive possessions: for the speedy adoption and honest execution of which, it has my hearty vote, for these reasons, founded on personal observation. To that great end, I would recommend, a free and honorable co-operation of those two main branches, in a close connected harmony, which drowns discordant jealousy, and secret unauthorized emolument, in the desire to confer private happiness, and public utility.

The common law of England, accounted the most equitable juridical system, derives its origin entirely from the *precedents* of custom and usages of the people; and the smallest deviation from those long established, and handed from father to son among the Asiatics, brings forth the immediate exclamation of "Sir, that is not conformable to my, or our customs," contrary to which, he will not act, but quits his prospects and the man, who shall attempt to enforce obedience. Whatever shall apper to them inimical, however distant in view, however dim to our perception, they are alive and alert to these impressions; and the most depraved abuses are every where practised on mere pretences among the lower orders, to indulge their imperious disposition, and their insolent caprice, natural to every Mahomedan ever seen.

SECTION XXV.

NON-COERCION THE CAUSE OF VENALITY AND LAX DUTY.

It is not to be forgotten, that every connivance, and reluctance to act in the necessary assigned duty, proceeds for the most part from secret considerations offered and accepted, by those native officers employed, to whom an undefined latitude is afforded by the term non-coercion; a latitude which they embrace with all the eagerness of voracious appetite, and the affair is pocketed with all the indifference of a Jewish countenance.

The duties, however, of officers at the head of police, is surely to exhort the inferiors to a due performance of their several allotted parts to act, and to exact a faithful performance, and not by any means of lax conduct, to suffer that end to be defeated for which they are all employed, and for the due execution, they would be responsible under a well regulated system.

This lax contrivance brings forth opposition, defiance, and the reluctance mentioned, of a people, without whose aid and services we cannot well exist; unless every man shall cultivate his own field, be his own taylor, shoemaker, and butcher, and cook his own victuals. Any secret counteraction of the laws, whatever be the end and method, is cruel, if not emphatically criminal towards society. It is a principle to be abandoned, or a parliamentary interposition will be required, to enforce some mode of reform, to be carried into execution in such a manner as shall afford protection to all who communicate the grievance; when, no doubt can be apprehended of a salutary change of constitutional principles shortly to succeed: they then, will become the example and guardians of moral good; they will, instead of applying the probe to inflammatory wounds, divert the stream of vice into a current of pure element, and render refreshing nutriment to a mass of thirty millions of those they are in duty bound to render justice; to which the army make them submit. Hence the thievish crew would be driven to find a better resource in the profits derived from a necessary attention to honest industry. But in no country would that be preferred by the lazy and

the idle, if their wants can be supplied by prey on the substance of others.

Honest Magistrates will confer benefit from laws indifferently appropriate, where much depends on discretional construction. By him, right in justice, and truth in things, form the objects to guide his conduct: very different motives bias the consideration of a majority of the inferior department before it can meet the eye of the superior judge. The adage cannot be too often recapitulated, that "good men make good laws, and good laws make good men."

To find an honest characteristic in the collective body of a nation, the exercise of justice must be easy and certain; a maxim applicable to all nations, but with various distinctions, as to the nature of the people, and advanced state of civilization. In a pristine state the limits are not marked; the natural productions of the earth belong to every body, to take and hold them so long as they can; to secrete the stock of fruit, or repel by open combat, the rude attacks of unlettered tribes. But in regard to regular Government: and it surely is the incumbent, the sacred duty of heads of departments, not

not only to set the example in their own conduct, but to exact a due performance; which when generally known to be the fixed principle and legal mode to be observed, men incline of their own accord with strong desires to act up to every point of duty with probity and care. It thence follows, that a lax conduct must be censurable in those of higher trust in the plan of policy instituted; and hence we find, those not professing a steady, compact principle, unfit to fill the higher stations of this human plan of wise construction. But to resume the old subject. Why burthen the public with Magistrates, at a price so enormous, if for no better purpose than to display in mimic show, corrupt influence? For a price so high we might expect a better article; or why be at the trouble to form a voluminous code, and at the same time prohibit the indispensible apportioned penalties? and thus tantalize the subjects of power, by holding out the proffered boon to view, which they are never to enjoy, but in hope? and hope only dwells upon probabilities; and as these probabilities fade away, despair too often succeeds; a state of mind in which wonderful struggles have been, through necessity, exerted!

The

The act of Parliament for British India provides and enjoins that the Indians shall be ruled by "their own laws;" consequently, as well with respect to one Indian against another, as the European against a native of India: but with regard to the latter, that part of the act is disobeyed, and the law abrogated.

SECTION XXVI.

BENEFITS TO ACCRUE FROM A DIGEST WITH PENALTIES ANNEXED.

WHY not prepare a code or digest from those now in force, annexing to the best of human judgment, the apportioned penalties to each article to be regularly published for public information; that every man might be enabled thereby to form a tolerable idea of the extent of redress expected, from pain and sufferance, caused by defaulters? The effect upon the minds of mankind would be most auspicious; it would in India be a pilot to direct every individual in the course of moderation and forbearance! But where malevolence can in the pertinacious sway of confidential impunity, act upon the credible passions of mankind, in the demand of what they please, in the exaction of what they like; insolence and all sorts of imposition and robbery, become sanctioned in a great measure to encourage and invite that constant practice, which for many

many years has been the sort of conduct generally observed of the natives towards the British inhabitants; especially since the year 1786-7, and after the mass were turned loose to exercise their will and villainy upon all those not in powerful stations.

And why they should have opened Pandora's box upon the *innocent* natives of India, at a time when, by an observance of their own customs and laws, they enjoyed themselves in a state of ignorant felicity, beyond what is generally enjoyed in any part of Europe, is most significantly surmised to have been to grasp *in toto* the patronage of the whole afforded, as well as the essence of other matter to be extracted from a fertile domain. This is natural enough, as being a general principle commonly sanctioned; and it is to the excrescence we here refer; and labour to reduce, to its original and natural state; and by doing so, it is presumed, that the design will speak for itself, in a way the most commendable. Things do speak and the world will judge for themselves in what arrests their notice.

SECTION XXVII.

THE DISTINGUISHING CHARACTERISTICS OF ASIATICS.

SINCE cunning, intrigue, and treacherous deceit, form the main lineaments and characteristics of Asiatics, so odious to themselves, and destructive to human happiness; I cannot help, as a kind of duty incumbent, recommending the fair expedient and honest trial of good laws, with a rigid adherence to their *ingenious* design and *laudable objects*, collectively and separately embraced. Nor can I refrain reprobating the protection afforded to the thief and the impostor, under those terms of required severity, which the mistaken, or rather the crude pretence of lenity confers. Nothing is in this quarter undertaken but on advance of money, with which they can march off at pleasure, without apprehensions of its being deemed a serious crime, or of adequate punishment being hereafter awarded in a way equal to the diabolical consequence

consequence to follow this unlawful and distressing conduct. Such an institution once formed and uniformly connected; let justice and benevolence be on the side of honest industry, which for the honour of humanity it ought to be; and then let the pestiferous knave receive his due award, in the most honourable observance of right and wrong, vice and virtue. For if vice is better treated than virtue, you can only expect a general deluge of pleasurable vice, and virtue must linger in silence, or quit the land. The counteraction of this fascinating perversion must immediately and ultimately depend on the morals and laborious exertions of the magistracy, on whom the expectations of the government falls, to wean their native assistants from whatever unlawful practice may now or hereafter exist; and by their perseverance to effect a salutary change of principles. They will know, that all the lower casts of the Musselman tribe, the Harriah, Doosad, and the filthy Doom, exercise no kind of religion; nor do they possess a rational idea of morality: these wander at large, directed by the mere impulse of nature in a heathen state of pristine course; and every man protects his house, his property, and family, in the best manner he can: and lucky is it

for him who can accomplish this sacred purpose, consonant to his own wishes: hence originated the custom of keeping watchmen to guard at nights the persons and property of individuals, in the hope to rest free from molestation, and in greater security.

SECTION XXVIII.

EXEMPLIFICATIONS OF DECREES GIVEN LATELY, TO SHEW THAT AMENDMENT BEGINS TO APPEAR IN GLIMMERING LIGHTS—REFLECTIONS.

Of late some faint and glimmering lights of amendment at one station appeared; which in the consideration of a concern so universally important, towards the British subjects especially, it is proper to relate as an extraordinary instance of favourable process and redress in causes, wherein the Europeans are against the native subjects.

A gentleman's servant robbed his master of sundry articles of linen, &c. to the amount of about fifty pounds sterling: the thief did not quit the service, but was detected in the habit of wearing some of the apparel stolen, which he had the effrontery to do with a placid countenance, for several days, unsuspected. A fellow-servant, by whom he was detected, privately informed his master, and the thief was secured; and

and afterwards sent to the Magistrate, with an accusation and witness; who, after a correspondence between the plaintiff and him, the examination took place, a decree was given; and the thief received the award* of thirty stripes in front of the Cutchery, and subsequently was imprisoned for the term of one month, for that which in England is a capital crime.

Another gentleman, robbed by his head servant of property to the value of twenty pounds sterling, observed a similar mode of getting redress, and the like process and award was given, both of whom would readily forego a repetition on the same advantageous terms, when the opportunity shall conveniently occur in some other service. The latter of these gentlemen was made to pay up two months wages due to this miscreant, and submit to the loss of property, which by the penalty of fine would have been redeemed. And we can hardly admit this corporal punishment to have been productive of an adequate atonement for the injuries and distress such robberies often occasion; added to which is the irredeemable loss of the property. Upon the examination of

* Is this in conformity to the native laws of Hindostan? No.—The duty of the Magistrate was only to commit the thief, whose trial would have properly been before the circuit.

which

which a question occurs, Was that the proper mode in which the Magistrates should have acted in a due acquittal of his judicial capacity? Or, should he not have committed both these offenders and felons to safe custody, to take their trial before the next court of circuit, for an offence of that capital nature beyond his *power* legally invested, to punish.

The latter question appears in my own judgment decisive. For it is in all countries considered as a more heinous offence in the person of a domestic, to commit robbery upon the property of his master, than that of an outside, or stranger thief, detected and convicted of a robbery to a like amount, by reason of the opportunities afforded and not to be guarded against, where the menials of families are so inclined; and here it is pretty universal. The court of circuit would most likely have transported these convicts, or have imposed a fine double the amount of property stolen, with imprisonment till that fine could be levied; which would have been productive of the best consequences in either case. The difficulty of exhorting our Magistrates to a due performance of these public duties, is well known, and I hope for the support of more able

able pens, as well as that of the executive powers, in a duty which awfully concerns the whole.

The encouragement afforded by a facile mode of lax proceeding "in jus aliquem vocare," is such as to demand a spur beyond my feeble power to supply. And it is to be recollected, that the primary process upon which the action and law depends, is entirely left to the exertions of this injured person in the interior province; for no instance within the compass of my recollection occurs, in which that police hath accomplished the apprehension of an offender against an European. A thousand flimsy professions and pretences are made, without the slightest intended search: but they seldom will fail to secure a portion of the booty, and to grin with cunning aspect, at the distressing anxiety of the British mind perplexed and irritated, under these untoward circumstances.

Another gentleman had his store-room broken open and robbed to a capital amount, according to the construction of the British laws. The criminals in this act of burglary were some time after found out and seized by some of his own people.

people. The accusation and witness were sent with the thieves to the nearest Magistrate, who received the latter into custody. Posterior to which, no intimations nor summons for the witness appearing on the part of trial, the plaintiff addressed the Magistrate in the desire to be informed when these witnesses would be required, that he might have them in a state of requisition; who received for answer, that the prisoner had been tried and punished! and the attendance of the witness was dispensed with! the criminals had been sentenced* to one month's imprisonment for the conviction of felony; and no objections that could be urged by the injured party, could produce more than a cavalier reply; in that he, the Bengal Magistrate, had acted as he deemed proper! Here another question occurs, What is the just award annexed to the conviction of mal-administration of justice? How is redress against it obtainable? cannot an action for damages in the judicature of Calcutta be preferred and cognized there with manly independence, and fair impartiality?† This, where a military professional man is concerned is dubious, and the enormous expence

* But set at liberty.

† No—the act of Parliament has prohibited actions.

incurred, certain. Under all these circumstances, could it not be easily proved, that all those underhand presents taken by servants about provincial courts, arise and are realized, from this source of plunder; the profits of which can screen the perpetrators and prepare them for fresh attacks, perseverance, and in the everlasting practice of their predatory pursuits, become professional from such indulgence.

Native magistrates will suffer their own adherents to plunder whole villages, after which they will make a tour through the vicinity of the place robbed, on pretence of making enquiry after the perpetrators, a part of whom are probably in his train; when during his march, he exacts presents from each head of villages as he passes along: when having accomplished the object of a fatiguing journey, he at length returns without entering upon business, or doing any thing but that of laying the people under open and disallowable contribution, of which no one dare to complain at their peril of an instant attack upon the whole of the village from which complaints transpired.

The peons or foot messengers employed about the revenue officers, as well as those attached to the provincial courts, are much prone to that illegal practice; a practice in which they persevere with remorseless effrontery; relative to whom a mockery of justice hath in a few instances occurred, viz. of an enquiry instituted with a view to screen them; for not once has it happened, that any of the latter were punished. Hence we are driven, however reluctantly, to represent to the notice of the impartial world, a few facts with their cause and effects annexed. To enumerate a multitude of exemplifications would be tedious and tiresome, as it is unnecessary; and I shall content myself for the present with a simple statement of one single instance more of the consummate ability we display in our judicial capacity, and the high flowing lustre in which we shine.

A thief was apprehended who had stolen softly into the house of a man asleep, in the dead of night. The thief having possessed himself of a brass pot, was reaching over the body of the person for other materials, who now awoke, and seized him with the brass pot in his possession. The person robbed alarmed

those nearest to him, who were witness to the booty being possessed by the thief; who together were secured, and taken the next morning to the magistrate, a very young practitioner, and acting in charge of a jurisdiction, when he observed, he did not conceive himself authorized to take the culprit into custody, notwithstanding that he was presently recognized and acknowledged as an old offender; saying, "I really do not know what to do with this man but to turn him out of the town, yet he is a poor fellow who before was surely guilty of a like crime." This tolerated rogue was according to his *decree* ordered to march himself out of town, which sentence was by *himself* put in execution, with a well guarded countenance, depicting a cautious smile. He returned however by a private pathway snugly to his own hovel, to recommence his old practice, under every assurance inculcated, that it could be pursued with confidential impunity. This is the way they go on! this is the laudable and humane delicacy observed towards robbers and miscreants, so praise-worthy in the conduct of *mild process*; the exercise of which, furnish multitudes of men who labour for a maintenance, for themselves and families, in all the various occupations.

occupations. Is there not a want of considera-tion in the power that sanction this practice, as well as in the practice itself? The thousands injured, would rather sustain the grievance than forego the trouble and expence of such result of investigaion, where the faint hope of impartial decree, embarrass and discourage every plaintiff labouring under injury.

OF PETTY COURTS.

THE petty courts in each division for the ex-amination and settling petty disputes in money concerns to the amount of fifty rupees; and that under the superintendance of the register to the sum of two hundred rupees, causes for natives only, would be rendered mighty useful if the venal fiend could be extracted; but there, as elsewhere, he presides triumphant, to cull the flower of justice from the righteous cause. To pry too deeply however into this vital part and principle of law, would ruin irretrievably the bold undertaker who must leave a good deal to time, by which alone all the truths can be de-veloped, subsequently to the final contract made with the undertaker himself. From these petty courts, however, there rests an appeal to the provincial courts, which in this smaller conside-ration

ration is final; and not often revoked; and in concluding upon the combined powers, supported in the person of a magistrate, we find in every province a despot, acting up to all the cavalier sway of the pacha of three tails, surrounded by a cavalcade emblematical.

The executive powers being exclusively in the hands of the governor, and magistrates dependent and profusely paid, without any counteractive power but that dread of resistance, a dereliction of justice might bring forth; too much precaution cannot be taken; yet they have pressed so hard upon their military protectors of late, the only counterpoise to the absolute authorities; that, they are obliged to appeal to the public in a requisite statement of remarks upon their conduct, and the military must as a duty towards themselves, trace and observe its secret avenues, and subterraneous works, to ward off every pending danger.

SECTION XXIX.

RULE OF CIVIL CONDUCT.

"The rule of civil conduct prescribed by a supreme power, commands what is right, and prohibits what is wrong*," which are the primary objects and fundamental principle of law in justice; and the good transfused through all the arteries of rank and classes of community, when acted up to, surpasses all the powers of classic expression. No sanguinary decrees coming within the limits of a police, such as here is recommended, in the subordinate order of that arrangement, it cannot be too much desired, nor improperly praised; and the more especially, because it contains the virtue of checking so essentially, the buddings of great and heinous crimes. It is besides well calculated to wean by a prompt settlement of disputes of the inferior order, the subjects recently conquered, as well as to contribute to the happiness of all those so fond of prompt justice; to which the natives of

* Blackstone.

India

India were ever accustomed, and still are universally partial. It would take that part of burthen off the hands of the Magistrates, which in the present management they are hardly able to bear; and they would hereafter find abundance of employ upon which to fix their attention for the good of each province. In the exercise of their functions over such a wide and populous domain, as they have for the most part to act upon, the restrictions formed for their guidance cannot be too well defined nor too much limited, it is in the power so much of native officers to bring forward false and spurious complaints, and causes, and to act upon their own fabricated accusations to such an enormous height of abuse, to gratify the desire of gain, pique, and asperity, under every specious pretext of malignant purposes; that Magistrates and their European assistants cannot be too vigilant, nor too laborious in the keen prosecution of heavenly justice! to render good in the adoption of right toward that shrine of universal happy state, among the whole concerned. The responsibility being taken off the shoulders of these native officers, they act without scruple and without fear in the daily practice of these criminalities.

SECTION

SECTION XXX.

LIBERTY IS HELD BY JUSTICE.

Liberty depending entirely upon a just administration of good laws, we enjoy liberty where-ever right in justice is duly and freely afforded, under an undeviating principle which acts according with its best judgment in every thing it undertakes; on the score of which we are taught, that every precaution the human intellect is capable to form, every restriction the combined wisdom of sages can invent, will hardly conduce to this desired end, where it is not the divine gift of nature itself. The impartiality which justice confers, sooner or later diverges into the private convenience of the officers employed in this professional work of deceiving individuals, and clinching from them, the inherited right; and thus situated, it can hardly shelter subjects from the oppressions of tyranny: such being the case, as resulting chiefly from the tendency of our own nature, some positive obligations should be fixed to make themselves conform with un-

biassed attention to that which is needful, even towards themselves, in a wish to live happy in the esteem of others; and to render by their own acts a barrier, if possible, against encroaching power, and the tacit conspiracy of its members against justice, the attribute of divine will, and sign of the celestial state. It has improvidently happened, however, among our provincial Magistrates in Bengal, that their inclinations hath uniformly discovered a strange desire to command in the authoritative voice of military spirit, according more with the rules of army discipline than the collateral ground of reasons upon which is defined the civil right of individuals, coincident with which it should be retained in memory, that if the military system were to be observed throughout, and the whole to concenter in that mass, selections from the line could be made to answer every the most sanguine expectations of the ruling powers, to fill every situation their service can require; and that, by such an arrangement in these valuable colonies, a very considerable weight of public expenditure would thereby afford a great deduction from the monthly disbursement of public treasure: and it cannot be of importance to remind those so well informed, that the army is the vital spring

to every movement, and the grand deed of right by which is held our oriental property. By this law the estate was procured, and by the same law it must be guarded, so long as we can hold a footing in that possession, retained by the right of occupancy only. Hence it follows, that to disband that guard, would be to give up that possession, and the successor would occupy by a similar tenure, that natural right: if a part only of that guard should be disbanded, the revenue will decrease double and treblefold, and a diminution or defalcation of the desired treasure may not be the object for which the estate was acquired: such a step at present would be attended with some danger, to bring a weighty opposition of the western provinces upon our backs; a torrent which we might not be then able to repel; and the best to be expected from such a measure would be a constant scene of bloodshed and everlasting disturbance, to the hurt and ruin of these provincial revenues, and loss of subsidized states; I am therefore of the firm opinion, that to disband any part of the native army under these circumstances would be taken immediate advantage of, to the extreme danger of certain loss; to weaken our military powers,

and that confidence which the people hold in them.

Be contented with your immense profits, and run no risque, to gratify the whim of folly; is a maxim deserving of deliberate notice in wisdom.

SECTION XXXI.

HUNGER IS A POWERFUL STIMULANT.

If hunger is a powerful stimulant, it is sometimes put to the test in the very heart of what is termed opulent possessions; in the interior of which, even in the Bengal province, a fresh supply of daily viands are difficult to obtain; and for the lonely traveller to carry with him a stock of a month's provision, is an expensive undertaking, at all times inconvenient: in the consideration of which inconvenience, the Mogul conquerors erected accommodations named Syriah, on public roads through most parts of Hindostan; which was no more than a square wall of about one hundred yards in extent each side, with ranges of inner apartments all round, with gateways in opposite directions, and a market, supplied with articles of provision by an officer placed there for the purpose, a Cutwal. The whole of these are now in decay, and several

veral entirely in ruins, without markets or regulating officers.

But in the interior parts from these high pathways, hardly any thing beyond a little rice and pulse, with a scanty portion of salt and chilly to season it, is procurable: wood, which is required to cook it, is frequently difficult to be had even in the midst of a forest, without permission to cut a supply, and to pick up any scattered decayed fragments passed over by the villager as unworthy of his notice; yet, I have known complaints of a body of villagers carried to a serious length against starving sepoys, for having dared to take up a rotten stick near to a village, to cook therewith their scanty meal. Thus situated, nothing is procurable but by applications to Zimindars and police officers; the former truly alledges, that he is deprived of all his powers to act; the others say, they have "no order from their Magistrates," implying thereby that which is very well known, they are prohibited from acting the part which their legal functions naturally create; but which hath before been sufficiently explained. Those travelling with small parties of their people from place to place, experience much difficulty and often distress, since

the

the Zimindars were deprived of their powers formerly held over their respective Zimindaries, from whom every supply their country afforded were obtainable on moderate terms. The people throughout are in their own natural dispositions inert, and reluctant; they never will dispose of any article on hand, even for double terms of its intrinsic value, independent of authority: those articles, especially of animal provision, required by the European and Christian travellers, such as kids, fowls, fish, and even milk and eggs, which are in plenty in all the interior of the lower provinces; but money double of the actual price may be offered and thrown down before the proprietor, which he will not voluntarily take up, nor part with the article wanted, however pressing the necessity, however persuasive the tone of supplication. Yet they will dispose of these self-same articles, it is evident, to a hawking factor who makes a livelihood of collecting these materials for the consumption of markets at a distance. In this particular, of no trifling importance to British Christians on their own domain, the police ought now to do what the Zimindars formerly did, with seeming pleasure to themselves, as arising from a faint desire of hospitable kindness

towards

towards Europeans on the move in pursuit of some occupation or public duty. And notwithstanding a part of their supplies are inevitably taken with them, the accustomed habits of living among British subjects remind them of some daily want necessarily to be furnished, which though estimated by civilians as nutritive trifles only, are the indispensible springs of animal creation, to put the machine in motion, and to carry us on to the next stage.

An instance which occurred to Sir William Jones, the bright luminary of Asiatic literature, who having injured his health by intense study, resolved by medical advice to make an excursion on the Hoogly, deserves remark. He proceeded up that stream only thirty or forty miles, and left it to see a little of the interior in the vicinity of the metropolis, and the extent of his travels in Hindostan: here he observed immediately the sluggish contempt and indifference of the cunning Bengally, and a memorable proof of what hath before been communicated. All his peons and pundits, with all their flowery epithets tacked to a high-famed name, could not procure a single article of provision for love or money, to nourish his sickly frame. Exorbi-

tant

tant offers for fowls especially, were made as particularly wanted: but until the third day they did not succeed in the midst of abundance expressly reared for sale. On the third day three fowls were procured at a price of five times the marketable rate.

Under these forbidding circumstances, calculated more to provoke than soothe the mind, Sir William turned his thoughts toward his home in Calcutta, when he acknowledged in a candid declaration that the partial notions he had formed and in which he had been much prepossessed, regarding the disposition of Indians, were surely erroneous, as fully appeared in this instance, and remarked, how necessary it was men who promulgate their opinions to the world, upon manners, customs, and dispositions of a people, should first form an acquaintance with their subjects from personal observation and actual experience. A transient glance even is liable to imperfection. The man in power, who travels with guards, authority, and influence about his person, is hardly capable, or fit in himself, to form a judgment impartially correct. The whole will run towards him with prostrate homage, and give any thing they have to offer, while

they would not dispose of a morsel to save the expiring life of an indifferent individual; but by such homage, and the contemptible present, they hope to gain a toleration in some intolerant practice over or against others of their neighbours. The book compiler who hath never far emerged from his study near St. Paul's, would produce a more instructive work from the gleanings he could find, than a powerful personage who travels in state here, unless he shall think it meet to open his ears, and listen to those ingenuous reports and dissertations of others, whose route lays in the orbit of an humbler sphere.

SECTION XXXII.

FURTHER INSTANCES TO SHEW THE PERVERSE DISPOSITIONS OF INDIANS.

SHORTLY after the arrangement of this police heretofore remarked upon, a collector high in the Honourable Company's service, proceeding to take charge of a superior appointment in the upper provinces, was deserted by the watermen of his boats shortly after their being hired, and the usual advance of cash paid to them in part of their wages for the trip of about five hundred British miles up the Ganges. Here stuck fast, he applied to the head officer of police, his old acquaintance, and formerly under his authority, to send after the runaway robbers, and replace them by a new set at a place where there is no scarcity. Neither the one nor the other would he comply in! and after a long and distressing detention, he was obliged to apply to the resources of the emporium, whence he was supplied at the distance of sixty miles. There some semblance of verbal security, but of

little dependance, is often to be had, and the sureties abscond as the principals do, to try if they cannot profit by this description of traffic, pursued with so much success in this fertile region, under the protection of *non-coercion* and mild process. This is a common practice of the watermen, by whom numbers have been at different times cruelly distressed, but to which they must submit in silence, for no redress can obtain.

A Magistrate appointed to an embassy left his family and moveable property to follow at leisure, and proceeded post himself to take in trust the new office. His lady employed the requisite land carriage of men, carts, &c. to transport to her boats these chattels, who were paid in advance their fare. On the second day, however, she had the misfortune to learn, that many valuable articles of furniture were laying scattered on the road, left by these sycophant miscreants, by whom were put down pier-glasses, wall-shades, bureaus, plate, &c. and these people had been in the habit of paying homage and adoration to the magistrate whose family and property were now thus treated as an indirect insult to himself, no longer in power over their

immediate

immediate actions. How then do you conceive the wandering tribe of military class are to manage and to be treated by those under notice, without power or lucre to attract a due performance of labour; and of whom the above affords a true delineation, as a customary habit of conduct universal among them; for which the Cutwal and their respective Sirdars were formerly responsible to the owner of property put under their charge. These simple facts are drawn more with a view to rectify the enormous notions formed of numbers in Europe, who to the prejudice of British servants and traders in India, conceive the native subjects to be oppressed; while the very opposite of that is in reality the case: nor is it easily to be accomplished. Their combinations throughout every tribe and sect, are so uniformly supported, that to oppress an individual, would bring upon the attempt a body of complainants, who never advert to, nor hold any consideration of the first aggressor, or their own crimes a fault of any importance, which a Briton is quietly to pass over in silence unnoticed, or bring a numberless train of evils upon his back; in the examination of which they will heap one accusation upon another; when in the course of investigation, if no unguarded

unguarded acknowledgment should incidently jump out, to detect and confute a falsity; an injured European stands on the brink of an aukward predicament. Wherefore look around you, ye men of sense, and make prejudice yield to truth in those things so far removed from your ocular demonstrations; and allow us the means by which you yourselves enjoy domestic happiness. For if the magistracy should in the common course of their juridical duties screen the robber and the thief, under any indifference towards property not in their own possession, and comforts which deducts nothing from their own welfare, you would exclaim with me, that they deserve, as being richly earned, an appellation sufficient in the league of infamy; not placed indeed as an ornamental statue to be revered and venerated for any great achievement performed, as beneficial to the state; or for good qualities possessed; but, as the syren, attempts to delude mankind within the compass of their grasp preparatory to their destruction.

SECTION XXXIII.

A PARTIALITY OF A CURIOUS KIND IS NOTICED, WHICH HAS SUBSISTED FOR A GREAT LENGTH OF TIME.

In the train of these miscellaneous remarks, it appears to me but justice on the part of the army, to notice for general information a particular partiality of a nature such as I cannot satisfactorily account for, in a way pleasing to myself nor to others. It has nevertheless subsisted for a great length of time, wherein use and permanency contribute their united efforts to pass the sanction into law. And since the rule of precedency in this as in other cases concomitant, have been disregarded in the original constitution of pay among the public servants, for which precedents do not in those modern political maxims allow the balance of a straw, nor the smallest preponderancy in the scale of collateral judgment, which to every civilized state, it will be granted, applies forcibly. Vain and fruitless would it be

to

to remark, yet it surely does exist, that all servants in the civil branch of the service in Bengal, are paid in the sicca rupee their full amount, agreeably to that standard, while those of the military sprig, are paid in an imaginary coin termed *sonats;* long extinct in this quarter of the orient domain, and by which a loss is sustained in the amount of four rupees eleven annas per centum, to every member of the army; an institution of a kind curiously partial, because, if any good reason did exist, that self-same reason would equally hold its strength and force, with the civil as the military and vice versa; with many additional items which add to the disparity of the sums of pay received by the former. Hence it will plainly appear in a rational construction of wordly things, to deserve the appellation given to it, as "curiously partial." And if the guard to fourteen millions sterling annual tribute be worthy of notice, we are disposed, from a favourable opinion of the natural liberality of our Honorable employers on our part, so often and so manifestly evinced in some particulars, that we are, I repeat, induced to hope, that the army will be hereafter paid, as the civilians are, in the general currency of the province in which they serve for the time being, below as they are above.

The

The general currency for Bengal, Bahar, and Orisa, is the Calcutta Sicca Rupee; and throughout provinces to the north of the Jumna, the Benaris and Lucnow sicca rupee. The two latter are accounted for to the army in the upper provinces in a way not very advantageous by collectors, who pay in mooty shawees, and the Purruckabad rupees, both of which afford a premium in favour of the receiver; but in which it is remarked that the collectors have taken the lion's share: for the premium ought to be much higher* than 1½ rupee allowed: but for the true cause of this deduction, I leave it to those concerned to explain in some way plausible, if not demonstrable in the truth of arithmetical enumeration. In regard to the disparity in the lower provinces between the general currency of the Calcutta and the imaginary sonat, a loss is sustained of twenty-four rupees and upwards to the rank of Captain's monthly receipts: a computation of whose aggregate expences will here be annexed, to evince on general grounds unquestionable, how necessarily an extra field batta was originally established, on a liberal

* 5 per cent. was formerly allowed, and a prosecution ought to take place in the supreme court for the damages sustained and robbery perpetrated.

scale of disparity and deduction; an allowance both ample and significant in a private and politic point of view.

The eloquent Burke observed, that "every British officer who had served his country with fidelity in India for a term of ten years, ought to be worth ten thousand pounds." And every distinguished man, if at all acquainted with the common vicissitude and sufferance of British officers in hot climates, would readily allow and give his chearful vote, for the realization of that sum in the term of twenty years, which doubles the period mentioned by the learned and sublime Burke; but with this the whole would be well contented, and gratefully thankful, if thus afforded some solace in the silence of the wane of a life saved from the destructive influence of an incongenial climate.

But as the computation of that reasonable desire stands at present, we do not fast approximate toward that standard; we hear of nothing but wars, rumours of wars, and further discipline and penance in the salutary work of meagre diet; and that we are, up to time infinitum, until the last trumpet shall sound to announce eternal

rest,

rest, to forego the pain and penalty of this ordeal decreed to soldiers, who are deemed altogether unfit to taste of sweet independence in the midst of surrounding opulence and lucre, as a thing incompatible with the nature of these professional habits; and disgraceful to the sons of Mars, who know not how to expend with grace one shilling! nor shall they have an opportunity afforded of beholding with their own eyes, a napkin tucked beneath the chin of a jolly Alderman.

I entertain however the humble opinion, that every man who gives up his common prospects, his native country can afford; the sweet enjoyment of friends and acquaintances of juvenile formation; the certain possession of invaluable health; and the keen appetite preserved by the natal breeze, to serve through the flower of life in a torrid region, and to sustain its concomitant evils: I say, that I do sincerely think he gives up an adequacy, and makes a purchase to the full amount of the sum premised and liberally appropriated by Mr. Burke; but to be realized by twenty years service in India.

If it is objected that military officers have made independencies, I answer, that a great many officers who have been employed on the staff, hath been thus fortunate; who for the most part were accustomed to live at tables of others, and who consequently saved the whole at least of their staff allowances, over and above which, these are usually employed in some other agency or contract office of various descriptions, from which there accrues for the most part considerable profit; while the surplus lodged safely at 10 per centum, will fast accumulate, and in the space of twenty years hath in various instances gradually swelled up to a handsome independency.

Others too, in days of yore, under the easy influence of a very different system to the present in force, have saved by narrow living and great care, in making the most of their monthly surplus, by that sort of accumulation, and monthly additional drop, swelled the quantity lodged in a reservoir, where no evaporation took place: some have, I say, filled it up to the brim in about thirty years residence in India, where in that state it hath often remained until in England, it became agitated by restless spirits unemployed;

unemployed; and until by some scheme of connection formed to double and treble the weight and velocity of that agitation, it scattered and wasted away the hard earned fare which should have been reserved for the evening of the withered exotic.

But in contra-distinction to that bright end of the perspective, what are their comparative numbers? How many are there among the old captains, majors, and lieutenant-colonels, who can boast at the present day of the propitious fare, even now, when treading close upon the heels of thirty years service, and upwards? Who or how many are they at this advanced climax, can say they have made any decent provision for the widow, the education, and the future support of children. The pensions are indeed to be considered as a good resource; but things in Europe are in confusion and precarious state; besides which, if we can take a glance into the vital spirit of design of ruling powers, it might possibly be seen that farther innovations still lurks at bottom, if not in contemplation at this moment, and the most probable result will be, half-pay in the stead of full, at present assigned to pensioners, and the

rank

rank of the Company's provincials, reduced to a parity with county militias, in stern defiance of the settlement of 1783, and in open violation to every honourable principle of justice, to destroy confidence and establish hatred in its place. It will not be improper to remind the world of an universal notion in which we all agree, viz. that men adventure to India, and enter this local service with a common view to realize an independency, not to spend a fortune! which might be more rationally done in the throng of our congenial countrymen, and habitual manners and customs, than among a treacherous disaffected race of miscreants, with whom no European can associate.

He who twenty years ago possessed one thousand pounds sterling, and who in the course of that time, has not been driven to the necessity of drawing of his agents the interest, is at this day a fortunate man. But a very small portion hath been thus provident; and to my certain knowledge, several have been on the pressure of inevitable obligation to apply both interest and principal to the pecuniary ends of domestic use, and to whom no just accusation of immoderation, nor lavish extravagance, can reasonably

bly attach. Added to which, and notwithstanding the œconomy of late years introduced, there are to be found those who cannot balance their account at the end of any one month, without finding some small preponderancy against them.

Another disparity of a most unjust and partial kind must not escape public notice, and it is painful in the extreme, that we are so continually driven to apply for a resumption of our common political and personal rights, by reasons unaccountable; and why the Honourable Company's officers, the same as those employed in India of his Majesty's corps, should not be paid their passage money, to and from any part of India, is surely a mystery of unfathomable depth; it is however an unquestionable fact, that none of the Company's army are allowed passage money home or elsewhere, but sick subalterns; and no military officer whatever of the Company's corps is paid one shilling to find a passage out again; no consideration for the distress to which an officer is driven by loss of health, uncertainty of recovery, and otherwise, inconvenience, can afford one instance of a desire to be thus liberal, and put the whole on one footing of pay and privileges.

This

This is much to be lamented, since it argues a want of deliberation in the principal point of equitable rule, and a thorough contempt to the claim of right in justice. An honourable member hath complained with a forced countenance upon the burthen of officers on pensions at home, while he never once adverts to the sum saved to the public funds from that measure; which is a deduction of the public expence, amounting to a sum above the total of their full pay in England, and until the period of their return to India again, or for life on a pension.

Nor does he ever notice the immense savings made by the multifarious cuttings off, our batta in the field, amounting to pounds sterling 2,12,500l. curr.* besides numberless deductions from allowances of the army. The civil establishment is indeed very heavy, and their allowances ought to be levelled to the army standard in due proportions of their ranks; but the army itself only expends about two millions and a half in Bengal, out of upwards of ten millions collected by its force; the civil and marine departments may now be estimated at two millions.

* Now double of that sum.

Every

Every attempt to lead the public astray by mis-statements and falsified reports, circirculated with the design to espouse the cause of error, and misguide the judgment of the nation, is highly dishonourable, and disgusting in the ultimate impressions such a conduct confers; I cannot perceive any good to arise from it.

This has led me from the exact direction of the original design of these remarks; but as it will be seen in the course of their perusal, that the latter materially connect with the former, especially as it refers to the enhanced prices of labour and articles of daily consumption, occasioned chiefly since the police seized possession of our military bazars; I flatter myself in observing, that it is not merely excusable, but highly requisite these statements should be drawn as the just conclusion of an urgent consequence, and as it in fact exactly stands. And it must not be passed over without notice, that whatever in its operation actually raises the prices of servitude, labour, and articles of general consumption, deducts in a proportionate degree from the total sum of our allowances, unless the sum of our pay should keep pace with these enhanced rates; whereas the contrary has happened, by the reduction of the double batta in the field, as before adverted to.

Thus the average of 50 per cent. enhanced rates, and 20 per cent. deducted pay from the British officers of the army, is a total loss of seventy per cent. per man on the whole; by this swelling underneath, and compression above, of the restless fiend, tyrannic power, now placed upon our shoulders. The article of bread retains its standard rate more equally than any other in Calcutta, especially where the competition of Europeans with natives keeps the markets on a fair medium rate in Calcutta only; added to which, is the abundant supplies in every direction around it. In the western parts of stations where there are bakers, bread however hath risen about twenty per cent. in the course of these last three years, of the change mentioned: and these begars are evidently more thinly inhabited than they were under a military jurisdiction. How can it otherwise operate? while the peons of the police, as those of the Collectors under the wing of our protecting force, are stationed on each outlet to stop the necessary supplies entering, but on terms of paying imposts: and whether these sums so collected find their way into the funds of Government, I would not venture an opinion. A very small portion, I fear!

SECTION

SECTION XXXIV.

INTERNAL COMMERCE.

The internal traffic of Hindostan must be generally considered in a state of prosperity, and the multiplied imposts* generally imposed upon all articles of a commercial kind, must have added a round sum to the amount of the public revenue. But I doubt much whether it may not in a high sense be left hereafter to discourage the general spirit of manufacture, and tend to enhance the prices of Indian commodities so much in European markets, as necessarily to require alleviation, or a considerable diminution of the rates of that taxation; of which the Honorable Company can best judge as to the effect of the profit and loss, &c.

The numerous watch-posts stationed now throughout Hindostan for the collection of these

* They talk of sixteen lacks neat money, but it fails not of being twice that amount.

imposts, are beyond calculation: the watchmen attached to which discover an extra officia conduct towards all British subjects of the army proceeding on leave, or on duty by water: in stopping their boats, requiring names and permits, with hauteur and insolence, as if they were instructed secretly* to do so by the custom-masters. To teaze and insult public officers employed in the service of their country, by the moonshine of puerile suspicions, is an emblem of arbitrary Government, and a thing to which Britons are by no means bred, nor will they be easily inured to it.

But whether such authority is conferred by the supreme power, is not certainly known to the writer of these remarks. That corps however is employed in apprehending deserters and others who abscond from the army; in the execution of which office, they acquit themselves with due obedience to orders than the provincial police established long in that possession, owing, I presume, to their having no venal derogahs to obstruct the common mode of doing

* When any civil officer is spoken to on the subject of those degrading practices, they pretend ignorance, and shift the blame from one to another.

what

what they are simply desired, consonant to the spirit infused by their masters, whose long experience and struggle in difficulties, they have have had to encounter through a period of distressful wants since deprived of judicial powers in the management of natives with whom their agency connects, hath led them to feel and consider those consistent rules repuired in India.

Sir Edward Coke has somewhere said, that " it is one of the genuine marks of servitude to have the laws concealed or precarious," Britons in Hindostan are surely then in bondage: here no defence nor apppeal to the laws are allowable: here Britons must supplicate in parliament to regain some secure footing in society; here the every thing at present rests upon the will, judgment, or caprice, ultimately of one man, an individual supreme authority assumed, to found a system completely tyrannic; in which venality, animosity, weak prejudice, fanaticism, pique, whim, and all the voluptuous vices, can indulge for some time perhaps, their unlimited expanse, with transcendant impunity. The practice of such abuses of moral and legal institutions, is heinous among fellow creatures and countrymen, who are rational but cruel, who are

are wise, but vicious ; and the penalty of which our lay officers here treat with high-flowing scorn, and invidious contempt, with no intention to amend the past, nor to improve the future. Yet it surely ought to be held in mind that whenever a British subject born in Great Britain or Ireland, and casually employed in her colonies, are a party concerned; it implies in a full sense of the entire respect to be paid to the constitutional laws of our country, which are not to be often infringed with perfect impunity.

A CONJECTURE.

We will suppose for a moment that the British subjects who naturally feel aggrieved on the score of a cavalier and arbitrary rule of administration introduced and carried on, throughout the British possessions in India, should on that basis, to enjoy permanent protection, and thence some reasonable degree of happiness during the time they are necessitated to encounter the vicissitudes of an incongenial climate, should form a fund to be raised by subscriptions for the trial at Westminster-Hall, of such as are implicated on solid grounds, and accused lawfully, of acting the part of mal-administration ; would the delegated government in India be able to

prevent

prevent it? I conceive not, unless we are as cowardly as we should seem to be ignorant: and any attempt of that oppressive kind would subject themselves to a similar process and forfeiture at law. And this legal mode of procedure, I would cheerfully recommend to all British military, and Britons concerned, as residents in every part of India, for the salutary production and maintenance of an object above all others the most to be desired, viz. peace and comfort in domestic state, on that secure basis which precludes unlawful interference, and the improper molestation of arbitrary caprice, pining to soar above all civil and legal rights in regulated system. It is therefore for your own sakes I conjure you, my friends, to do thus much for yourselves: and by so doing you convince the world, that while you are lawfully taking measures in search of a proper treatment in justice, it is with an honourable view in deliberate consideration, and the prophetic foresight of the indispensible necessity, by which you are exclusively actuated, and reasonably guided: and that upon this immortal ground, every aim and secret wish tends, or ought to tend, to establish an upright characteristic in all who place a confidence in the legal means, and act in uniform probity

probity thereto. By these means you secure a fair and honourable treatment I say ffom all superiors, and that sort of manly respect from others, which, under such a system of restricted limits, cannot fail to improve on the conciliating thoughts of happy duration. Whereas, the evil fiend that collect supplies throughout every contraband channel, cannot please beyond the novelty of a system which like the evil genii described by the ancients, it is a magnet in constant motion over our heads, alternately touching one or other with its magic wire, to attract the mind enchanted to some hope of favour; a disappointment of which seldom turns out otherwise than in keen resentment. Numbers so are touched; but since a half nor a third can succeed to gain possession of some advantageous post or easy station; it will appear a bad plan, so calculated to disoblige a large majority of those under consideration, by crude administration, in the service of which no one is pleased but him who reaps particular benefit.

SECTION XXXV.

THE PRINCIPLES A LAWYER SHOULD POSSESS, AS RECOMMENDED BY BLACKSTONE.

THE principles recommended for a lawyer are applicable to any Englishman of liberal attainments. "To the qualities of the head," he observes, "just enumerated, I cannot but add those of the heart:- affectionate loyalty to the king; zeal for liberty and the constitution; a sense of real honour, and well-grounded principles of religion."

In the consideration and adoption of these principles, do we find our condition compressed into a smaller scale of gloomy despondency, or brightened up by the confidence thus inspired; animated thus by the first statesman England hath produced, to enliven the drooping spirits of an English spaniel loosened from painful restraint, and liberated for a few hours from his kennel, to bounce and fawn upon the liberality

 of

of so great a master? These principles of established sanction, should form the motto to the device of high official departments, essentially to all those far detached from the parent state, wont to mistake the nature of their unaccustomed element, and to exercise illegal powers, with the stern countenance of dauntless perseverance.

SECTION XXXVI.

LAW IS A RULE OF MORAL ACTION, IN WHICH THE MOTIVE IS THE SPRING.

WHAT is the law, but a rule of moral action formed in perspicuous language to regulate the conduct of mankind in their various intercourse with each other, whereby all persons of every denomination are to be protected from injury and insult, and their every possession from harm? Why are laws and juries formed, but to guard against and punish every act of oppression, of remorseless power of one man over another, which ever craves to exercise its arbitrary will and caprice to the injury of any individual desirous to preserve his natural and lawful rights on fair and honorable terms? What is colonial government, but the legal administration of justice, foreign and domestic, from which it cannot depart but in pain of trial and sentence according to the penalty annexed to the breach of law. The chief Magistrate of our nation is bound by his coro-

nation oath to govern according to the laws, upon which he rests his diadem. But notwithstanding all this, that no unlawful act is pardonable until a process of law hath determined, or at the discretion of the plaintiff previously; yet it is declared in British India, that a Company's Magistrate is not amenable to an action at law in the supreme court of judicature in Calcutta for any unlawful act or procedure *officially* committed! Preposterous tyranny! announced from the mouth of British lawyers!

A breach of law in the official capacity adds oppression to injury, and is doubly criminal in the eyes of the laws of England, and in all free states. But let us see what D'Holme says upon these kind of subjects, from whom we shall make only some applicable extracts.

" And lest," he continues, "those principles which the Revolution gave a sanction, should, in process of time become mere arcana of state, exclusively appropriated and known to a certain class of subjects, the same act 'which declared the throne vacant owing to King James the Second having endeavoured to subvert the constitution of the kingdom by breaking the original contract between

between king and people, and having violated the fundamental laws,' &c. &c. expressly insured to individuals the right of publicly preferring complaints against the abuses of Government; and moreover of being provided with arms for their own defence." And Judge Blackstone on this subject expresses himself as follows, quoted by D'Holme in his Constitution of England. "And lastly," says this consummate statesman, "to vindicate those rights when actually violated and attacked, the subjects of England are entitled in the first place, to the regular administration and free course of justice in Courts of law; next to the right of petitioning the King and Parliament for redress of grievances; and lastly, to the right of having, and using arms for self-preservation and defence."

"The right of opposing violence in whatever shape and from whatever quarter it may come, is so generally acknowledged," continues D'Holme, "that the Courts of law have sometimes grounded their judgements upon it." And he proceeds to relate a remarkable instance, to which is added the opinion of the twelve judges, as follows:

"If

" If one be imprisoned upon an unlawful au-
" thority, it is a sufficient provocation to all
" people out of compassion, much more so
" when it is done under colour of justice: and
" when the liberty of the subject is invaded, it
" is a provocation to all the subjects of England.
" A man ought to be concerned for MAGNA
" CHARTA, and the laws; and if any one
" against law imprison a man, he is an offend-
" er against MAGNA CHARTA."

After descanting on the final right of resistance, D'Holme proceeds to observe, that " private individuals unknown to each other, are forced to bear in silence those injuries in which they do not see other people take a part or concern. Left to their own individual strength, they tremble before the formidable and ever ready power of those who govern; and as the latter well know, nay, are apt to over-rate the advantages of their own situation, they think they may venture upon any thing."

" But when they see that all their actions are exposed to public view" by the daily publications of a free press; that in consequence of the celerity with which all things are communicated, the

the whole nation forms, as it were, one continued irritable body, no part of which can be touched without exciting an universal tremor; they become sensible that the cause of each individual is really the cause of the whole, and that to attack unlawfully the lowest of the British people, is to attack the whole."

Now the press of Calcutta being put entirely under the restraint of the Secretaries to the government in Bengal, even where the British jurisprudence is placed, and where is given every scope to arbitrary will, in open violation of every tenet of the British constitution; no sort of rational liberty can be enjoyed, no solid happiness can exist: some insult or molestation constantly await individuals.

The public secretaries to the government there have declared, that "no appeal whatever in this country is allowed"—bravo!!——they are not afraid to declare, that they have subverted by that principle alone, the fundamental laws of our constitution.* What shall be the result? Do not both Blackstone and D'Holme positively

* On the very spot where a branch of the English jurisprudence is placed.

announce

announce on constitutional grounds the right of resistance in that case?

It is in consequence of these unlawful principles exercised, that the provincial Magistrates assume an absolute sway, and do as they like; when to dispute upon a point of regulation in force with any one of them, brings upon the head of a righteous military cause, persecution and punishment direct and underhanded: and notwithstanding they are here entirely in the power of the military which guard their persons and administration alike, because they rather choose to do that than to resist openly: they are yet weak enough to treat the Military of every description in the most cavalier, despotic manner; discovering at all times a strong bias to a conduct which the world brands with the epithet mischievous.

In order the better to command an outlet, and to guard this exercise of arbitrary will, general and dubious terms are used, by which the real meaning of the author is obscured and never rightly understood, nor ever to be explained; for he who attempts interpretation is not the man ever to be gratified; he who expostu-

lates will find, that punishment will inevitably follow. The only interpretation to be sagaciously put upon such selection of words for the management of official business is, "trample under foot!" which supplies a real definition to its design and effect. Folly and fanaticism, where is thy shrine? And wherefore sojourneth thee in the wilderness apart from reason and virtue, surrounded with luxuriant verdure and perennial spring? Why expose the ravings of wanton maniacism to the view of a penetrative worldly eye? Why should these foul qualities drive and hardenthe softest hearts into adamant against you? And finally, how can a British senate suffer such to exist? I leave the to wisdom of the liberal and enlightened reader to think, and then express to others, those impartial and disinterested ideas which in the course of perusal will force themselves upon his mind.

A branch of the British jurisprudence hath been extended to Bengal, upon which we offer no encomium. There is *no* jury upon civil cause in the emporium of Calcutta, which contain not

less of European christians, than from six to seven thousand in number. The courts wherein oppressions of the government servants are concerned, will not commence upon any suit, and all the acts of civil servants are termed *officials*: and notwithstanding that the office and duties of the magistrates in every country are considered on the part of the people against the machinations of invading power and the strong arm from any quarter; yet not a cause will this court take up against them, on the part of a British subject injured, which fully proves the civil tyranny established. The prospect is awful, the consequences dreadful! for Britons thus to be locked in fetters.

The last act of parliament passed for the management, as before observed, provides that no civil officer in his official capacity, shall be liable to an action at law in the supreme court of judicature. Yet it directs the governors to "govern according to law," which was an unnecessary preliminary, for the laws of Britain, I presume, would oblige any man so to do; and it is surely unlawful "to punish any man without a cause." These two articles are contradictive to an extent of wonderful astonishment; pervert and

and corrupt as the former stands, it is no less true, that no possible redress there can be had on the part of any other British subject; a tyranny of a nature to rouze the people and the senate of Great Britain and Ireland to examine how this came to pass! that a free state should think of planting the poisonous rush in her colonies over the resistless Englishmen, who adventure with a view to better their fortunes, and from the exertions of whom an immense annual surplus is reaped by those who deem it expedient to hold out the flag of our destruction, involves questions of the highest importance:

1st. Whether a British military officer and subject, can be punished openly and avowedly by any individual member of the state, without, and independent of, a Court of judicature, military or civil.

2dly. Whether a Magistrate does or does not violate a fundamental tenet of the British constitution by having assumed illegal powers in the particular interference with military duties, which require a military commission, from which

a Magistrate in England is exempt, by the constitutional laws of our country. And between one Englishman and another, the same system must exist and hold good, in every relative point and observance of the British laws, civil and military, as in Britain, which surely must be adhered to; while we are confined to the same military and civil judicature, no violation can be supported; consequently, any salvo or pretence made to deviate therefrom, is unlawful; for we have both the articles of war and civil juristion at hand to refer to in all cases of dispute to determine upon the right and wrong; and why the colonial government should subvert these laws of the land, must be determined by the senate of the empire, before many months shall elapse.

Another question to be determined is, Can a British officer and subject, be condemned and punished without *hearing*, by any individual member of the empire? Such an assumption of inordinate powers lays itself open to be arraigned at the bar hereafter.

When an individual enters into a service, it is of course to submit to the lawful terms of that service, which were restricted and confined to the military and civil laws: that is to say, the articles of war, the regulation in force, and the supreme judicature; which from 1780 to 1787, were in full force here, and few instances known of their being suspended, or violated: and for what purpose are we deprived now of those rights which confer all the requisite privileges necessarily required; but independent of which, we cannot live in peace and comfort? all before us is terrorism, and death! The grim tyrant rattles his chains around the slaves, and the tyrant alike. When we submit to these terms, we expect to enjoy unmolested, peace, under protection of the military and civil codes as they stand, or ought to stand, secure from the wanton attacks of despotism.

Now let us survey by a transient glance this subject in another point of view, with which it materially connects, and produces a question, What are the advantages obtained, or to be carried? The pleasure only of making your brother countrymen insecure, and consequently unhappy; or that you suppose some great expedient, some hidden

hidden treasure, therein contained, and with which you cannot dispense. I beg leave to differ in opinion with all those who set up for a system of terror and tyranny, to run a short race, to pant, and die.

As the English laws are laws and maxims the most pure in the known world, so would they, duly and honestly administered, be the most durable, as it appertains to British subjects in India, which differ from those instituted to regulate the conduct of Indians. In Calcutta however, they were the best managed, and there they were until of late ruled by English law. To secure justice under any form, is no doubt the main object of all the subjects in every country; but no form or mode of jurisprudence hath hitherto approximated so near to perfection, or hath placed in the way so many formidable barriers as the English constitution has done, to repel the attacks of men in office upon the rights of inferiors; who under such an unjustifiable clause cannot obtain redress for injury and insult. In the act of Parliament, or in Mr. D——s's remarks, I am not certain which, there is a clause which says, that "British European subjects will get redress at home;" and it will be allowed

as

as a hard alternative! that after having lost some situation of comfort by the machinations of unlawful procedure, and fifteen hundred pounds sterling expended in passage-money home and back, with other material charges, which an action at law will cost, you are to return nonsuited, for want of evidence; which owing to the immense distance, cannot be had. When the British senate prostitutes its principles to humour, merely the conceit of ministers; the people should discuss the affair, and demand, that all acts whatever be framed on the pure principle of the constitution wherever their countrymen are concerned. At home or abroad, they can claim and demand constitutional protection, fair treatment, and due respect of their persons, and possessions; and Britons surely will not tamely relinquish a treasure so valuable as all those privileges and immunities afford in the excellency of a well-defined jurisprudence. It is not however the mere name of the thing; it is not the shadow of a lovely object, but the substance which we want, and must have; British laws I say, the British inhabitants of India must not give up; and notwithstanding that they are, for the present, to submit through cruel necessity, the Parliament would

would no doubt relieve them upon a fair address drawn up for this great purpose.

It must be known to every man at all versed in the history of mankind, that oppressive, unjust persecutions have universally been the germ of the most violent irruptions. It is the conduct of men in office, generally speaking, that is the original cause of all disturbance in states. I am of opinion, therefore, that to make these possessions permanently productive, it will chiefly depend on an honest administration of the fundamental principles of the British constitution, military and civil, as it *regards the European inhabitants*. That civil or military servants should be exempt from a fair investigation and trial, forms a deliberate revolution of these constitutional principles; and all appeal against injury having been disallowed and publickly announced to all the members of the British nation, it is a declaration of war against the state constitution.

With respect to that part of the act which invests the colonial government with powers undefined to form regulations; it is clearly and expressly meant to apply particularly to the native Indians. And further, it is a fact unquestionable,

tionable, from their being bound to govern according to law, that is, *the laws of England*; all local and petty regulations are to be formed upon the grand principle of these laws, military and civil, for it is as clear as noon day, that regulations thus locally formed, can neither supersede nor abrogate the sound principles of the English constitution, nor the articles of war.

All regulations formed for guidance of army duties, for instance, accord with and graft upon the articles of war, which the government are fully empowered to form and institute, so as not to annul or undermine these articles. In regard to native Indian subjects, they (the government delegated for the time being) can form on Hindoo and Mahomedan basis, any regulations *ad libitum* and *infinitum*; and we the British can prosecute upon these. But they cannot prosecute us upon the tenour of Mahomedan and Hindoo principles, to which we the British-born subjects are not amenable; but they can notwithstanding obtain decisions with great facility either with a magistrate or commanding officer, or by a court martial, or in the court of English judicature; whereas an European can

 with

with the greatest difficulty, much trouble, and doubtful result, obtain any satisfaction against a native even in his own employ.

But the poiuts here alluded to, amount to a flat presumption of tyranny exercised over British people, who shall not appeal to any court, Military or civil, in cases of injury and injustice, and the very Lawyers and Attornies attached to, and practising in the court of judicature there, sway with all those abominable violations of our constitutional principles.

If the laws then are to be superseded *in toto*, or in part, wherever public officers are a party or parties concerned, as supported by the present administration; Is that to govern by law? Is that which merely depends on a governor's will, whim, and caprice, to govern by law? no, no, there are, however opinions so prostituted as to say yes! opinions can be bought and sold, as daily observation will prove. But these opinions so corrupt and debased, beneath the dignity of human nature and reason, had best be silent,

silent, since to expose their fallacy to the eyes and ears of a deserving nation, is to render them infamous.

If a governor-general, or commander in chief remove a British officer from his established command, for the avowed purpose of distress, disgrace, and consequent punishment, it is unlawful as having taken the law into his own hands, and thereby subverted the rules of the constitution, for which James and Charles suffered.

The said governor and commander in chief,* can, as said before, make general arrangements to regulate subordinate parts of the service, which may from necessity bear hard upon some; but the design is a duty imposed, and *not punishment*; for where partial and particular punishment in any shape is awarded by an individual, if it extends beyond his menials about his person, and domestics at command, the man in power thereby adds oppression to injury; a con-

* These ask you who is to be the judge?—"The laws of course, you fool!" was the proper answer of a respectable man.

duct liable to dismission, and to further penalty, as in the judgment of the British legislature may seem equitable to redress the injured.

SECTION XXXVII.

MORAL RECTITUDE.

MORAL Rectitude includes the motive which is the spring and guide to action; and we consequently observe the cause from the effect, as that actuates a member in high office to take the laws into his high individual administration, is a motive to exercise arbitrarily his will, not his judgment, invariably swayed by arbitrary desires to suit some convenience of an interested party, to whom decisions bend in favour. Such being the nature of our species, reason perceived the consequence, and our illustrious ancestors bled to establish the indispensible barriers: in the support of which, we must all bleed if necessary! in the hope, and with a determination, to benefit ourselves by requisite exertions, and to hand them down to posterity, as undefiled and unblemished as possible. The will of the deity is here involved essentially: the natural rights are supported by civil association, which enforces the more natural desires of the sensible and well inclined of a community.

SECTION XXXVIII.

FURTHER COMMENTS ON THE LEGAL AUTHORITIES IN COLONIES.

I DENY the authority some commanders in chief here assume to reprimand the members of general courts martial, and I pronounce every such assumption to be a violation of the powers vested in courts, the motive here is to indulge arbitrary power and unrestrained will. While in long strides he launches out, and with high flowing periods he pours forth a profusion of well connected ideas, he never once reverts to the very breach of the fundamental principle of the law upon which he expatiates, and for which he is open to an action at law.

Should any irregularity incidentally take place in the proceedings* of a G—— C—— M——, it is the fault of a judge-advocate, who is respon-

* Should such occur, the prisoner can appeal if he thinks proper.

sible

sible for a lawful course which he is bound to expound to the Court: consequently, any animadversions the chief commander shall think it necessary to make upon account of irregularity, should be pointed direct to the officer employed to expound that law, and he will be aware that his conclusions are lawfully drawn out.

The authority assumed in a homogeneous manner to supersede entirely this honorable Court, by refuting, or pretending to do so, the whole sentence, and assuming the right afterwards in the same order, to punish by his own word of command, the same prisoner restored and freed from the sentence of that court; is, I will venture to affirm, clearly and positively unlawful. To this his Majesty's officers will never subscribe nor submit; because, it never was allowed nor understood, that any chief commander could punish or remit, by his own power and authority, and that depends upon a power which in fact his Majesty cannot rightly dedicate, more than a remittance of half the avowed punishment. But to throw entirely aside the legal authority of any court of judicature, is to assume a power far above the king's prerogative. And why do the Britons in India suffer it? why will they not appeal to the king

King in Parliament, and impeach any public act of this inordinate kind?

The commander in chief is empowered here to remove officers from one battalion to another of the same regiment, to level and regulate the service by such arrangement. But if it is alone with an *avowed intention* to punish a British officer, *I pronounce it unlawful*; and by such overstretched desires to punish at his own hands, he subjects himself hereafter to impeachment and forfeiture. His duty is plain and easy, which is well known to himself, viz. that if the affair is of that magnitude such as not to be rectified by appropriate admonitions and quotations of such regulations, and points of law, to which it may appertain; a *warrant to convene a General Court Martial is the road to follow.* Should the sentence prove severe, and humanity should incline the general to the side of timely lenity, he can remit a part, but not the whole until his Majesty's or the Honorable Court of Directors' pleasure shall be known, which must be determined according to law.

But to throw aside entirely the power of a Court, and to take that power solely and ex-

clusively into his own hand, is unquestionably a heinous violation of that universal justice we must expect and can demand.

And next, the power assumed to make by an absolute order and positive command, one officer publicly to apologize to another, is an assumption of an unlawful kind in the arbitrary exertion of power, which is not authorized by the regular jurisprudence: there is but few punishments more severe than this, upon the mind and feeling heart of an officer, and we shall hope to find resource in the bosom of a generous Parliament.

When a Commander in Chief or a Governor General is applied to by a party to give a decision, an opinion may be given, which indeed is no more than an opinion, for an appeal lawfully can first be made to a Court, the decree of which, if not satisfactory, you can appeal from to the King in Parliament, which must be final; for beyond that no appeal but to the general determination of the people exists.

When in cases of reference to a Commander in Chief or Governor, as a reference to arbitra-

tion, in which an apology was thought requisite; the said governor or chief commander were in the habit of recommending to that party offending, to apologize*, in order to save him from a formal trial in court. But till of late, no such thing as an absolute command for that purpose, was ever heard or thought of. If the offending party did not agree to the proposal made, a regular course at law commenced.

EXPEDIENT.

EXPEDIENT I conceive to be a general term conveniently substituted for the well known and common term utility; better understood and less liable to abuse. That which contributes to the common good of mankind, confer general happiness, and its consequent approbation, the pleasing acceptance proceeding from a matter of utility. Men in official stations, are exceedingly fond of this term, and it is upon numberless occasions prostituted to signify mere opinion, or substituted in the place of reason, for which any measure is undertaken, proposed or adopted. One man enquires why a particular matter

* This is to be considered as a friendly admonition, it cannot be enforced.

perceived

perceived as a matter of utility, is not proposed and adopted; another officer replies, he does not conceive it to be expedient; but his reasons for planting this negative he cannot assign. A simple negative, it would be supposed, can bear no weight in the general opinion of a community; for if a man cannot assign his reasons, he is either defective or ashamed, or apprehensive of promulgating reasons, dubious in their nature, and in his own sense of them. If Mr. D——s is asked why he introduced into the act of parliament passed for British India, a clause which entirely subverts the pure principles of the constitution; he will answer, because it was thought expedient? here the different constructions put upon the idea of expedient is great and awful, but in which, we, the British subjects of India, whom it especially concerns, have had no voice; we have no representative in the British parliament.

To know whether this nullity produces a measure of real utility or not, the general voice of those concerned out of office would soon determine. We do not generally find that which is held out as expedient in the assertion of those in public offices, agree with opinions of others,

who may find themselves oppressed and improperly treated, under the minister's expedient: and in this allusion, which adduces an awful proof of ministerial expediency, we lament the disregard paid to a grand and fundamental tenet and bulwark of English liberty, which the people of Britain will, it can hardly be doubted, when generally considered, insist upon its being repealed. A printer in Calcutta applied to the Governor for permission (for nothing of that sort there can be undertaken without permission) to publish a newspaper, which was rejected: the printer addressed the Secretary again, respectfully requesting to know the reason for that preclusion, the Secretary replied, that "His Excellency could not assign reasons, but he did not think it expedient." So that this man was prevented prosecuting his profession, to which he had been bred to earn his own individual livelihood, and to support a wife and family of six children.

An editor of a newspaper inserted an article from an English paper, concerning the honour paid to Mr. Addington by his Majesty at Weymouth, which when it was returned from the Secretary's office, where they are all examined previously

previously to their publication, he found that article had been cut out, because it was not deemed expedient to inform the public of this momentous event. Such occurrences serve to shew the abuse to which general and indefinite terms are liable, and how prone men of ability are to turn the mystic comprehension, to indulge even a whim, and to apply its indefinite signification to some convenient use of immediate advantage; although its distant tendency can clearly be discerned to militate against the utility of national benefit. These general and dubious significations are for the most part used for the gradual introduction of something universally disliked; as that which gives pain and renders unhappy the main body of a state, is known to be accompanied with loss or danger: hence, those fox-like terms are chosen, in preference to plain and simple words, which convey to almost every mind a full sense of what is intended and wanted.

It is, it must be allowed, that necessity under a variety of cases will suspend for the time, or during the continuance of that necessity, a rule of law. But imperious necessity, real and substantiated, is not a violation of the rule, because it

it was neither wished for nor intended; and the dire necessity is a full and sufficient proof of innocence. As for instance, if a tyger cat or a mad bull should attack me passing along, and I am driven to save my life by jumping over my neighbour's garden-wall, in the act of which, I break the branches of the wall-fruit trees, and scatter the fruit on the ground, it surely would not be considered in that case as a breach of law, but an incident proceeding from necessity.

It appears to me from the point of view in which Paley and Hume hath placed general expediency, that it is liable to great and awful error. We are all at times most assuredly to consider the tendency of measures and actions before a judgment can be formed, how far they are likely to be of utility to those it concerns: but how far our judgment may agree with divine will, to promote or diminish hum[illegible] happiness, cannot surely be ascertained be[illegible]d what our reason suggests.

The evils brought upon us by ourselves, must be taken into account. Court flatterers of despotism, and their indefatigable endeavours to add new pressure to the weight of power,

gradually

gradually increases, until necessity in general expedient, drive contending parties forcibly to change laws and measures. To violate the laws and moral rules established by constituted authorities, where there is no evident necessity nor good plea, upon which to ground a fair excuse, is adjudged criminal in capital cases; and the happiness of mankind is best preserved on terms of a simple tenour; as for instance, the easy temper that observes with due care and attention the proper provinces of right or wrong, whether he be in office high or low, or at the head or foot of society, it equally applies to one as the other, where regular government is established; for no governor, nor subordinate man, can daringly and wantonly punish, but by real cause *legally substantiated:* hence the attempt to establish as a principle, that any British officer, or subject of the realm, can be punished by an individual, *independent* of courts, or a *hearing*, sub[illegible]one blow the grand and most sublime fun[illegible]ental rule of British birthright.

SECTION

SECTION XXXIX.

THE METROPOLIS AND GREAT EMPORIUM, CALCUTTA.

It has ever been remarked upon with great wonder and surprise, and counted a manifest hardship to the British inhabitants of Calcutta, when they reflected upon their being deprived of many essential privileges and common immunities from their not being a corporate body, as they surely ought to be: but whether it proceeded from political jealousy of the ruling powers, their denial of that comfort and grant of an honorable badge of freedom, or from what cause or consequence it has happened that they are not the same in this respect as the other precedencies of Bombay and Mad[illegible] not venture to give a decisive opinion. [illegible]e liable by the existing powers assur[illegible] to be transported thence to England or elsewhere, upon the sole judgment, will, or caprice of the Governor General appointed pro tempore to exercise thus indiscriminately or indiscreetly, powers which are,

are, or are not, exercised according to the laws. Yes, but what are the laws? a lawyer will question. To which the man of common sense replies, It is not ordained that any individual, however high his office, shall take the laws into his own hands, nor shall he injure by that singular means, another individual born free of the British empire; nor shall they treat public officers and free tradesmen as menial servants, when they defend the right to practise in those principles inherent with their birth according to their constitutional tenets.

With a view to keep the peace, to settle petty disputes, a[illegible]d to bind engagements lawfully made, to the a[illegible]ount of one hundred rupees, eight Magistrates were some years ago, by his Majesty's authority appointed, on a liberal stipend of one hundred pounds sterling per mensim; whom, du[illegible]ing the term of their honest noviciate were dili[illegible]artial, and respectful in the executio[illegible]ir duties to render satisfaction: but alas! [illegible]lden days are fled, and the fiend of power[illegible]nfluence put his cloven foot upon it; t[illegible] with terror the minds of the honest, th[illegible]s, and the best disposed; by putting the management under the haughty

superintendance of one to whom the others, as it should appear, have only to bow and bend, to smile and give their sanction. However, when any decree inimical to the law in justice should transpire, and some enquiry be put on foot, the whole are useful; like jugglers in a crowd, to shift the affair about, to make it more secure, or to let it fall to the ground; and thus latterly has been in practice, a system too *sublime* and *honorable* for the British character to support—too deep for my feeble comprehension to explain, and too palpable for artifice itself to bear with the ingenuity of its own transactions.

It was doubtless intended that th[illegible]e subordinate Magistrates should each have a [illegible]parate jurisdiction assigned in as many divisions of the metropolis, for the better distribution of justice: but they are, notwithstanding, all jumbled together under the same roof of on[illegible] co[illegible]rt, excepting too for the court of reque[illegible] [illegible]e hundred rupees civil causes. At the he[illegible] [illegible] city police department, is placed [illegible] [illegible]ring cavalier and commanding o[illegible]cer, to [illegible]om it should appear that Mr. B——, [illegible] de major.

These

These Magistrates for the town and city of Calcutta, till of late, performed in their judicial functions by a regular tour of weekly roster, alternately in turn as sitting magistrate; till of late years I say, when the evil genius urged the fantastic spirit of executive despotism to interpose its tyger's grasp, and so essentially to alter, at a great expence, the old course of a useful stream, with [illegible] bet[illegible]r view than to trample upon British industry, honesty and comfort. Of this cavalier, wonderful things are said: his manners in court are fraught with insolent hauteur, his words are pertinacious and insolent to every British subject out of power; and by his action is pourtrayed al[illegible]e symptoms of a vindictive heart, corrodin[illegible] [illegible] the operation of its own acrid quality, t[illegible] [illegible] solace for which is, the degrading shield under which it shelters beneath the wing of myrmidons and mamelukes grasping at bribes a[illegible] [illegible]nder: but who are not insensible as to the [illegible] of those secret commands they rec[illegible] [illegible]ese native police banditti have ofte[illegible] [illegible] exclaim—" these masters will [illegible] they are notwithstanding put to *shini*[illegible] which characterize the mamelukes [illegible] [illegible]ance, and their rascally masters.

 Here

Here there stands in conspicuous view another monument of that strange propensity which actuated the conduct of a certain personage of illustrious birth, and of *huge* construction: who improvidently for himself, was endowed with a capacity for the practice of every thing which, in the estimation of ordinary men, is counted infamous, in its present effect, or its mediate tendency: the lesson may, we hop[illegible] such as to operate on the minds of those Governors left behind, and those to act in future. Nothing but a conduct legally just, can save you in that country; no deceit in artifice can be justifiable.

Surprising! these weaknesses of [illegible]e men, with respect to whom we could ex[illegible] better. Astonishing! to think that [illegible]arings of such characters should lead their ov[illegible]ds to think every thing can be carried by ar[illegible]ary acts, and illegal punishments. It would strike the plebean and patrician alike [illegible]try, that to deviate so widely from lan[illegible]nspicuous, argues nought in wis[illegible]at's good in principle: on the co[illegible] to render the character of the ac[illegible], and his personal safety precari[illegible]res of all the Indies consumed in [illegible]ribes [illegible]d not [illegible]rt

avert the storm, should such a system be continued and enforced with implacable rigour. We want not the skill of a Nero to weave our British manufacture. The texture and the quality are alike too bad to meet the general approbation of Britons. Spanish precepts in South America are too contemptible for Britons to imitate.

W[illegible] d to the superior court of judicature limited to the jurisdiction of the town of Calcutta, it was observed that no jury in civil causes is allowed, upon the determination of these a special decree of the judge decides, which winds up the affair to the co-efficient sign of [illegible] ırkish jurisprudence; in which, influence [illegible] rim nal bias too aptly breeds and concentrate[illegible]

For [illegible] cutta, we trust a charter on granted privilege[illegible] will be granted and conferred, on that respecta[illegible] unity; consisting of not less than [illegible] and reputable inhabitants, Britis[illegible] that they may the more feel an[illegible] management of their own conc[illegible] ove all, that they may live in grea[illegible] fort, and hope of reputation[illegible]

With

With the supreme court are stationed an advocate and solicitor on the part of the company* —all against, and nothing for the British inhabitants. These soaring chiefs, upon any application for redress, with haughty mien exclaim, " Mind what you say Sir, I am an officer of the government." Here is a specimen of a British lawyer when placed abroad to exercise their talents.

In Calcutta, the enormous salaries of the superior departments were increased by Lord W———y, to bind them firm to those things to be transacted in the secret department; and when the military Secretary *dared to* [illegible] *ulate*, saying, " it was against the orders of [illegible] Court of Directors;" he was silenced [illegible] was reminded of his own salary having be[illegible] tly augmented. The Military Paymast[illegible] eral and Auditor General retrench and [illegible] when, and as they please, for two an[illegible] and the Field Paymaster Gene[illegible] those unlimited powers in on[illegible] will give and take, and with-h[illegible] he pleases: such are the *pleasu*[illegible] of

* Now for the Gov[illegible]

the military men, that they know not to-day if to-morrow will afford them pay, or a cup of poison.

T[illegible]roughout Calcutta and the Bengal pro-[illegible]s, every trifle of eatables and drinka-[illegible] as well as wearing apparel or a pound o[illegible] candles are assessed on the purchaser, an[illegible] [illegible]at each of the watch-posts for customs upon private internal consumption, over and above the taxes first paid by the vender or manufacturer.

This [illegible]ode of assessed taxation is quite new [illegible]en, and to the public officers, civil [illegible] baggage is stopped at every [illegible]hat purpose; their trifling bag-[illegible]ass along the road or the river [illegible] many base impediments: to be [illegible] this pretence, adds acrimony to [illegible]d which never can produce a [illegible] keep Lord W——y's do-

[illegible]

[illegible] [illegible]unds of candles in London [illegible]own for country consump-[illegible]ise officers stop them for [illegible] duties?

duties? I have never heard of any such custom being authorized by act of parliament. If I purchase a dozen pair of stockings in Calcutta, or at a country village, would they be stopped in any part of England for excise? surely no [illegible] extremes prevail; extremes which like the [illegible] ver of a falling leaf, forebodes its dissolu[illegible] Away with such detestable policy and sub[illegible] tute justice and liberality in its [illegible] further remarks on the subject of colonial policy, shall be reserved for writers more competent to handle the subject, a subject [illegible] con-cern to our country and rulers at ho[illegible] we are glad to find it occupy the atten[illegible] company and ministers at this presen[illegible] in a way to inspire us with [illegible] pect of a favourable result.

At the same time that we are [illegible] cally to comment upon the cond[illegible] two of these city magistrates, [illegible] towards the others to say [illegible] every thing known of th[illegible] considered to be men of acc[illegible] ners, of mild and impartial worthy in every re[illegible] offices they hold; and w[illegible]

they are not more usefully employed for the general good of distributive justice, in separate jurisdictions, in which they might be afforded the opportunity of rendering benefit to that com-
ty in the capacity of judicial office, free
any restraint, but what the laws restrict.

he native population of Calcutta includ-
and Portuguese, approach near
British metropolis.

e the only way to realize the productive
es, and to maintain a permament footing
ful security, is, in any country, to
conduct legally just in the adminis-
owards subordinates and sub-
atter ourselves with the pros-
s and restrictions being put to
fficers in powerful stations abroad,
the right of every individual,
ay f legal re s to the in-
ank, a description of
ll agai Governor as

justice is in every
the less required
where

where equity is made a rule of conduct in a fair adjustment of differences of opinions. The task will easily obtain, as it is no great portion to execute in honest hands. Honesty and common sense are the main ingredients to rectify an
but experience evinces, that it is easier t
quire than to retain, sufficiently fenced ag
the daily attacks of corrupt views and grati
allurements. To excite the heart
mankind to a fair acquittal of th
ties, we must first be instructed as
method, and then spurred up by the
others, expressive of the necessity: a
unrestrained, has no measure; and th
ledged use of a free press to exami
and publish systemized opi th
and measures of those in pub
the greatest blessings, as it
liberty enjoyed in a state; any
unreasonable kind pressed unn
that liberty, rogates and e
a most sub tial f
Hence it is t the
with this allow
Until the star
cutta, under the
jurisprudence, no